

Department of Housing and Community Development

Administrative Plan for Tenant Based Rental Assistance under the Section 8 Housing Choice Voucher Program

This document combines the Department of Housing and Community Development's (DHCD) administrative plan and equal opportunity plan. The Department of Housing and Urban Development (HUD) allows public housing agencies (PHAs) broad discretion to adopt local policies for operation of the tenant-based program. This plan reflects the exercise of those policy choices by DHCD. An asterisk (*) indicates a topic that is required by HUD regulation. DHCD policies and procedures articulated herein are subject to change in accordance with all applicable HUD requirements. This plan is not a comprehensive statement of HUD's program regulations or DHCD's procedures for program administration but is intended to provide its regional administrative agencies, hereinafter referred to as RAAs, as well as applicants, participants, and owners with a basic understanding of DHCD's Section 8 program.

The Quality Housing and Work Responsibility Act (QHWRA) of 1998 combined the Section 8 tenant-based Certificate and Voucher Programs into a single program renamed the Housing Choice Voucher Program (HCVP), effective October 1, 1999. The tenant-based certificate program was phased out over a two-year period, and all current participants holding a Section 8 Certificate were converted to the HCVP on or before September 30, 2001.

The information contained herein also applies to DHCD's special Section 8 programs with differences in program administration articulated in Sections 18-30.

For more information applicants, participants, and owners, are directed to the following:

- HUD's program regulations that are found in Title 24 of the "Code of Federal Regulations" and HUD Document 7420.10G, the Housing Choice Voucher Program Guidebook
- The owner information packet that is available upon request from each administering agency.
- The information packet for participants that is available upon request from each administering agency.
- The "Property Owners Handbook" (may not be available at all agencies).

A copy of this plan is on file at the U.S. Department of Housing and Urban Development (HUD), Office of Public Housing, 10 Causeway Street, Boston, MA 02222. This plan may also be viewed at DHCD's website at <http://www.state.ma.us/dhcd> (click on "publications" in the sidebar).

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1 Definitions & Clarifications*

These definitions and clarifications are provided for the reader's convenience. They do not supersede the definitions found in HUD's program regulations for the same terms.

Applicant A family that has applied for admission to the program, but is not yet a participant. A family becomes a participant on the effective date of the first HAP contract executed by the RAA for the family (first day of initial lease term).

Brief period Thirty days or less.

Conviction Found guilty by a court of law.

Days Consecutive days.

Disabled Family 1) A family whose head, spouse or sole member is a person with disabilities; 2) Two or more persons with disabilities living together; 3) One or more persons with disabilities living with one or more live-in aides.

Displaced Family 1) A family in which each member or sole member is a person displaced by government action; 2) A family displaced by a disaster recognized by the Federal government, which extensively damaged or destroyed their dwelling.

Drug related criminal activity The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance (as defined in Section 102 of the Controlled Substance Act, 21 U.S.L. 802); or the illegal use, or possession for personal use, of a controlled substance.

Elderly Family 1) A family whose head, spouse or sole member is at least 62 years of age; 2) Two or more persons at least 62 years of age living together; 3) One or more persons at least 62 years of age living with one or more live-in aides.

Eviction A termination of a tenancy by a court of law, as evidenced by a Judgment for Possession.

Extension of time (*for HQS inspection repairs*) Additional time, usually not more than 30 days, to complete the required repairs, during which the HAP payment may:

- Continue to be paid in full; or
- Be withheld and retroactively repaid in full; or
- Be withheld and reduced appropriately when payments resume or HAP contract is terminated.

Family* All the members of a household under one roof and consisting of approved household members as listed on the HAP contract or as subsequently approved by both the owner and the RAA in writing. DHCD recognizes that a variety of relationships exist, which are not necessarily relationships of ancestry or marriage. Each RAA is encouraged to exercise the best possible judgment in this regard. A family may consist of a single individual.

HAP contract The contract between the RAA and the owner that allows the RAA to make housing assistance payments directly to the owner on a program participant's behalf.

HAP payment The subsidy paid to the owner, by the RAA, on behalf of a program participant.

Suspend HAP payment The HAP payment is not being made; e.g., either terminated or withheld, regardless of the reason.

Terminate HAP payment Stops housing assistance payments to the owner until the required repairs are completed. Once the HAP payment is terminated, no retroactive payment, either partial or full, may be made to the owner. The RAA will provide the owner with written notice of its intent to terminate the HAP payment in accordance with the HAP contract. The notice will state that the HAP payment will resume only when all required repairs are completed.

Withhold HAP payment Stops the HAP payment to the owner during an extension of time, after which a retroactive payment, either partial or full, may be provided.

The distinction between withholding the HAP payment and terminating the HAP payment is that withholding is done during an extension period, which allows a retroactive payment to be made.

Housing agency Any agency that administers federal or state housing assistance programs. Abbreviated as PHA. A local housing authority is a PHA. DHCD is a PHA.

Housing Quality Standards (HQS) HQS refers to both HUD's HQS and DHCD's supplemental inspection requirements. Units must meet HQS at all times. Once a unit is under a HAP contract, a primary contractual obligation of the owner and the RAA is to ensure that the unit continues to meet all HQS.

Household Family members and others who live under the same roof.

Owner Any person or entity with the legal right to lease or sublease a unit to a participant.

Participant A family that has been admitted to the RAA program, and is currently assisted in the program. A family becomes a participant on the effective date of the first HAP contract executed by the RAA for the family (first day of initial lease term).

Person with disabilities In the HCVP, **1.** For the purposes of reasonable accommodation and program accessibility for persons with disabilities, the term “person with disabilities” means “individual with handicaps” as defined in 24 CFR 8.3. **2.** For purposes of determining eligibility based upon disability status see Section 3.3.1.

Public housing State- or federally-assisted public housing.

Regional administering agency An agency under contract with DHCD to administer federal rental assistance programs on its behalf. Abbreviated as RAA.

Repairs completed The repairs have been completed to the satisfaction of the RAA, and in compliance with HQS.

Recovering addict A person that: 1) has completed a supervised drug rehabilitation program and is not currently engaged in the illegal use of a controlled substance; or has otherwise successfully been rehabilitated and not currently illegally using drugs; or, 2) is involved in a supervised rehabilitation program and not currently illegally using drugs; and is involved in a self help group, such as Narcotics Anonymous, and not currently illegally using drugs.

Temporary For the purpose of determining family unit size when children are in foster care, is a DSS family reunification target date of one year or less.

Violent criminal activity Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

2 Roles and Responsibilities

2.1 RAA Responsibilities

The RAA is responsible for daily program administration. The RAA must comply with HUD regulations and requirements, this administrative plan, and the terms and conditions of its contracts with DHCD for Section 8 program administration.

In accordance with this plan, RAAs are required to develop their own procedures relative to the following and submit them to DHCD for approval prior to implementation:

- Resolution of owner and tenant complaints that are not subject to the informal review or hearing process.
- Enforcement procedures for tenant-caused HQS violations.
- Managing and responding to information pertaining to alleged drug and violent criminal activity.
- Reasonable accommodation.
- Making decisions relative to family break-ups.
- Internal quality control monitoring for all SEMAP indicators.
- Others as may be required.

DHCD will periodically monitor RAA administrative practices to ensure consistency in the implementation and on-going administration of all aspects of its Section 8 program. At any time, DHCD may require RAAs to amend or modify their discretionary procedures.

2.1.1 Record Keeping

Applicant records must be kept for three years after the date the applicant was notified that they were not eligible, or three years after the conclusion of any lawsuit, whichever is later.

Participant records must be kept for seven years from the end of program participation, or after the conclusion of any lawsuit, whichever is later.

2.1.2 SEMAP (Section 8 Management Assessment Program) Certification

2.1.2.1 Requirement of Annual SEMAP Certification

HUD requires DHCD to file a **SEMAP Certification** annually within 60 calendar days after the end of DHCD's fiscal year.

Since DHCD as the PHA is a unit of state government, the principal SEMAP Certification is to be executed by the Bureau of Federal Rental Assistance Director and the DHCD Director. As DHCD's Section 8 program is administered through contracts with its RAAs, each RAA must submit individually its SEMAP Certification to DHCD as supportive documentation for DHCD's annual certification. The

individual RAA SEMAP Certification form requires the signatures of each RAA Executive Director and Board Chair.

2.1.2.2 Ratings Based on SEMAP Certification

For the following SEMAP Indicators the HUD rating will be based on the scoring and certification that each RAA must certify annually: (1) Selection from the Waiting List; (2) Reasonable Rent; (3) Determination of Annual Income; (4) Utility Allowance Schedule; (5) HQS Quality Control Inspections; (6) HQS Enforcement; (7) Expanding Housing Opportunities; and (*Bonus*) Deconcentration Bonus Indicator.

With **HQS Quality Control Inspections** [Performance Indicator 5] SEMAP requires quality control reinspections of the same minimum sample size determination required for other supervisory quality control reviews. DHCD reserves its discretion to require a volume exceeding these minimum numbers from each RAA.

2.1.2.3 SEMAP Supervisory Quality Control Reviews of File Samples

For the following four SEMAP Indicators there must be a sworn declaration of the results of scoring a “quality control sample” of a pre-set proportional minimum number of files drawn in an unbiased manner:

- **Selection from the Waiting List** [Performance Indicator 1]
- **Reasonable Rent** [Performance Indicator 2]
- **Determination of Adjusted Income** [Performance Indicator 3]
- **HQS Enforcement** [Performance Indicator 6]

The Indicator “Selection from the Waiting List” lends itself primarily to DHCD alone conducting the quality control sampling and thus the sampling/scoring on this Indicator will be principally a DHCD responsibility. With the remaining three SEMAP Indicators — Rent Reasonableness, Determination of Adjusted Income, and HQS Enforcement — each RAA must conduct its own sampling/scoring and report these to DHCD as directed. This sampling/scoring will be in addition to that done by DHCD during staff on-site monitoring visits and file audits.

2.1.2.4 Methodology for File Selection and Testing

Each RAA must establish and explain in detail the methodology for unbiased selection of the file samples for review. This needs to be a truly objective and neutral selection that reaches a totality of files potentially available. As an illustration, selection methods that would be acceptable include:

- Selection done by a random query in a data base containing all Section 8 Vouchers;
- A random manual selection from a listing of all Section 8 Vouchers listed, for example, by agency file number, SSA number, and/or head-of-household surname.

Each agency must leave a clear audit trail — in other words, a clear written description with documentation of the technique for selecting the files for audit/review — to verify that the sample was drawn in an unbiased manner. Each agency must

document and retain the results of each file audit/review and the calculation of scoring for each SEMAP Indicator.

The RAA supervisory person who conducts the file audit/review of the “quality control sample” for SEMAP scoring cannot be the person who performed the original primary work in the subject files or records.

2.1.3 Coordination between Program and Fiscal Staff

Each RAA must have a system in place to insure coordination between program and fiscal staff. The fiscal staff must have adequate notice of new leases and contracts, changes in the agency rent share, change of owner, family moves, etc. In addition, the program staff and fiscal staff must coordinate the number of units under lease each month to insure that the agency is receiving the correct administrative fee.

2.1.4 Privacy and Confidentiality

2.1.4.1 Owner Information

Owner names and subsidy amounts are public information. Owner addresses are generally not public information. If the address of the owner will not lead directly to the tenant; e.g., the owner lives in community X and rental unit is in community Y, then the owner’s address may be provided.

2.1.4.2 Participant Information

In accordance with 42 U.S.C. Section 1437z.

RAAs shall furnish any Federal, State, or local law enforcement officer, upon the request of the officer, with the current address and Social Security number of any recipient of Section 8 assistance, if the officer:

- 1) Furnishes the RAA with the name of the recipient; and
- 2) Notifies the agency that:
 - (A) Such recipient: i) is fleeing to avoid prosecution, or custody or confinement, after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which in the case of the State of NJ, is a high misdemeanor under the laws of such State; or ii) is violating a condition of probation or parole imposed under Federal or State law; or iii) has information that is necessary for the officer to conduct the officer’s official duties;
 - (B) The location or apprehension of the recipient is within such officer’s official duties; and
 - (C) The request is made in the proper exercise of the officer’s official duties.

See also Section 4.3.3.1, providing information about a family to owners.

2.2 Owner Responsibilities

An Owner is responsible for:

- Screening tenants.
- Complying with the HAP contract.
- Maintaining the unit in compliance with HQS.
- Enforcing lease requirements.

For a further description of owner responsibilities refer to 24 CFR parts 882, 982, and 983.

2.3 Family Responsibilities

2.3.1 Applicant Responsibilities

While on the waiting list an applicant must notify the RAA of any changes in address and preference status.

Upon selection, an applicant must provide the RAA with complete and accurate information necessary to determine program eligibility.

Upon determination of eligibility, an applicant must conduct and complete a housing search in accordance with the time frames set forth in Section 4 of this Plan.

For a further description of applicant responsibilities refer to 24 CFR parts 882, 982, and 983.

2.3.2 Participant Responsibilities

For a further description of family responsibilities refer to 24 CFR parts 882, 982, and 983.

Families participating in a Family self-sufficiency program should refer to 24 CFR part 984.

2.3.2.1 Family Obligations

For the complete text of family obligations see the HCVP Voucher and the Tenancy Addendum. Violation of family obligations may be cause for program termination -- see Section 1.

3 Eligibility and Intake*

As a result of public hearings on DHCD's 2002 Section 8 Annual PHA plan the following temporary amendment has been made to DHCD Section 8 Administrative Plan. This temporary amendment is applicable to all HCVP applicants with a selection date between 5/1/02 –11/30/02.

DHCD Local Preferences as described in Sections 3.2.3.2 Homeless or Substandard Housing; 3.2.3.3 Involuntary Displacement; and 3.2.3.4 Rent Burden, shall not apply to applicants whose gross annual household income is extremely-low; i.e., less than or equal to 30% of the area median income in accordance with HUD's current income limits for the program. These local preferences will continue to apply to applicants whose gross annual household income is greater than 30% of the area median income.

3.1 Income Targeting

Seventy-five percent (75%) of families admitted to the combined tenant-based¹ and project-based voucher program must be extremely low-income; i.e., 30% or less of area median income. The remaining 25% of families must be very low-income; i.e., between 30-50 % of area median income with the following exceptions.

A low-income family; i.e., between 50%-80% of area median income, that has been "continuously assisted" is eligible for assistance.

* A family is considered to be continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program. The United States Housing Act of 1937:

- Required states to pass legislation enabling establishment of local public housing agencies (PHAs) in order to receive federal assistance; and,
- Authorized the public housing program.

1937 Housing Act programs are:

- The public or Indian housing programs.
- Any program assisted under Section 8 of the 1937 Act, including assistance under a Section 8 tenant-based or project-based program.
- The Section 23² leased housing program.
- The Section 23 housing assistance payments program.

Brief interruptions in assistance caused by transitioning from one form of assistance under one 1937 Act program to another will not be considered to break the continuity

¹ Effective April 1, 1999 for the tenant-based program.

² Section 23 of the United States Housing Act of 1937 prior to enactment of the Housing and Community Development Act of 1974.

of assistance where the reason for the transition was through no fault of the family, such as the expiration of a HAP contract for a project-based development or termination of a HAP contract for owner breach.

Persons assisted under DHCD's victim witness provisions may be low-income.

As part of the Commonwealth's effort to provide the least restrictive setting possible for persons with disabilities, a household comprised solely of persons with disabilities, who are in receipt of state-funded services, may be low-income.

See 24 CFR 982.201(b)(1) for other categories of low-income families that are eligible for assistance.

3.2 Preferences*

3.2.1 History of HUD Preferences

On January 15, 1988, HUD published regulations that mandated preference criteria for selection of eligible applicants to all federally assisted housing. The effective date of implementation of these criteria was July 13, 1988. Under federal law, a PHA was required to give preference for admission to applicants that were:

- 1) Living in substandard housing, which included families that were homeless or living in a shelter for the homeless;
- 2) Involuntarily displaced from housing;
- 3) Paying 50% or more of their household's income toward rent and utilities.

HUD allowed each PHA to structure these federal preferences through the use of ranking preferences. A ranking preference governs selection among applicants that qualify for a federal preference. PHAs were permitted to rank the criteria as they wished, and to adopt local modifications of the standard preference definitions.

With the passage of the Quality Housing and Work Responsibility Act of 1998 on October 21, 1998, the federal preference requirement was permanently repealed. A PHA is no longer required to issue tenant-based vouchers or refer families to vacant moderate rehabilitation and project-based units based on the federal preference system. Each PHA may establish its own "local" preferences based on local housing needs and priorities as determined by the PHA.

Admission to the tenant-based program is governed by federal regulation 24 CFR part 982 and is incorporated by reference. The regulations and definitions found at part 982 apply to this section unless otherwise stated.

A PHA may modify its selection criteria at any time, provided: a) the modifications are consistent with its PHA plan and the Consolidated Plan; and, b) appropriate changes are made to the HUD-required administrative plan.

3.2.2 Summary of DHCD's Tenant Selection Preferences

DHCD LOCAL PREFERENCES (see section 3.2.3)

Automatic Preference

1. Section 8 Mod Rehab & PBRA/AIDS tenants who must move and are eligible for continued subsidy.
2. Formerly preference-eligible families presently receiving assistance under DHCD's expiring SSTAP II and Shelter Plus Care programs.
3. Persons eligible for assistance under DHCD's witness/victim protection provisions.
4. AHVP and DMHRSP participants eligible for transition (for DSG admission only) see Section 24.2.5.

Substandard Housing

Applicants living in *substandard housing*, including those who are homeless.

Involuntary Displacement

Applicants who have been or will be *involuntarily displaced* and have not found standard, permanent replacement housing including those displaced by: disaster; government action; action of housing owner; domestic violence; fear of reprisals; hate crimes; or inability to use critical elements of the unit.

Rent Burden

Applicants paying 50% or more of their monthly income for rent and utilities.

Singles Preference (See section 3.2.3.5)

Only single persons who are either elderly or a person with disabilities are eligible.

RANKING PREFERENCES

A ranking preference will be applied to applicants that meet the criteria for automatic preference. Applicants that meet an automatic preference will be selected before all other applicants.

A regional residency preference will be applied as a ranking preference to all applicants. The residency preference areas will be the administrative areas of DHCD's eight RAAs. An administrative area may include more than one of DHCD's contracting areas. For the HCVP, application of the regional residency preference will be limited to the RAA's allocation of subsidies as of 12/31/1999. (See section 3.4.6)

NON-PREFERENCE ADMISSION - Standard applicant (See section 3.2.3.7)

Applicants that are income eligible according to HUD's current published income limits. Each year, 10% of DHCD's tenant-based admissions will be families that are income eligible and do not qualify for a preference. Subsidies will be issued to standard applicants at a rate that will achieve a 10% leasing rate in this category. Except, as noted below, standard applicants are not eligible for assistance unless their application date was prior to 9/3/97.

For project-based assistance, all HCVP eligible in-place tenants must be assisted at initial housing assistance payments (HAP) contract execution. Except where specifically stated otherwise in this plan, when filling vacancies during the term of the HAP contract, special needs applicants that have a documented need for and will accept the range of services being provided at specific PBA projects do not need to meet a DHCD local preference. Admission of standard applicants under these conditions does not count against the 10% preference limit.

Special Section 8 Programs/Initiatives: DHCD modifies its tenant selection preferences as necessary for special initiatives. As they occur, these modifications are submitted to HUD as amendments to DHCD's administrative plan. Special initiatives approved by HUD to date include the Family Unification Program (FUP), the Housing Options Program (HOP), Veterans Affairs Supported Housing (VASH), Project-Based Rental Assistance for persons living with HIV/AIDS (PBRA AIDS), Tenant Based Rental Assistance for persons living with HIV/AIDS (TBRA AIDS), the Raising the Next Generation Program (RNG), the Designated Housing Program (DSG), the Mainstream Program (MS), the Department of Mental Retardation Voucher Program (DMRV), the Department of Mental Retardation Voucher Program II (DMRVII), the Greater Plymouth Area Supportive Housing Program (GPASHP), the Moving to Work Program (MTW) and the JOBLink Program. See Sections 18-30 for more information on these programs.

3.2.3 Preference Criteria and Verification Requirements

The following temporary amendment is applicable to all Section 8 applicants selected from the waiting list between 5/7/02 –12/6/02 in the following programs: HCVP, RNG, DSG, MS, TBRA/AIDS and PBA. This temporary amendment does not apply to the following Section 8 programs which have their own specialized admissions requirements: HOP, VASH, FUP, MTW, JOBLink, DMRV, DMHVP, GPASHP and RAMOS.

Applicants whose gross annual household income is extremely-low; i.e., less than or equal to 30% of the area median income as set forth in HUD's Income Limits for the Public Housing and Section 8 Programs shall not be required to meet DHCD local preferences as described in Sections 3.2.3.2 Homeless or Substandard Housing; 3.2.3.3 Involuntary Displacement; and 3.2.3.4 Rent Burden, in order to be considered eligible for the following DHCD Section 8 programs: HCVP, RNG, DSG, MS, TBRA/AIDS and PBA. These local preferences will continue to apply to applicants whose gross annual household income is greater than 30% of the area median income.

Except for applicants that applied as a standard applicant prior to 9/3/97, applicants that reside in public or other subsidized housing are not eligible for assistance under DHCD's Section 8 programs.

All other admissions criteria as set forth in the Administrative Plan shall remain unchanged by this temporary amendment.

3.2.3.1 Automatic Preference Criteria

A ranking preference is applied to automatic preferences to allow these applicants to be placed on the waiting list and be selected before all others. There are three automatic preference categories under which families may be eligible.

3.2.3.1.1 *Mod Rehab and Project- Based Rental Assistance for Persons Living with AIDS tenants*

Mod Rehab and Project Based Rental Assistance for Persons Living with AIDS (PBRA AIDS) are project-based programs and a voucher is not issued except under certain circumstances. Frequently, Mod Rehab and PBRA AIDS tenants in good standing must relocate through no fault of the household such as a change in family size, for reasonable accommodation, or because the requirements of a DHCD supported housing program have been satisfied.

If a Mod Rehab or PBRA AIDS tenant has a change in family size, the RAA must first refer the household to any suitable comparable Mod Rehab or PBRA AIDS unit that may be available. If the household rejects the unit for good cause, they should be issued a voucher, regardless of availability. If the family cannot provide a good cause reason for rejecting an offer of a suitable Mod Rehab or PBRA AIDS unit and if the family composition constitutes an HQS violation, the RAA must take steps to terminate the family from the Section 8 program.

A Mod Rehab or PBRA AIDS tenant may request a voucher in accordance with the reasonable accommodation principle contained in Section 504 of the Rehabilitation Act of 1973. If a Mod Rehab or PBRA AIDS tenant can demonstrate that to remain in the Mod Rehab or PBRA AIDS unit would pose a hardship because of that tenant's disability, and where the owner is not legally obligated to make the necessary accommodation, the tenant may request a voucher. The RAA must determine whether, due to the tenant's disability, the Mod Rehab or PBRA AIDS unit is inappropriate housing for that tenant. The fact that the disability existed when the tenant originally agreed to live in the Mod Rehab unit may not be considered when making this decision.

If a Mod Rehab or PBRA AIDS tenant satisfies the requirements of a DHCD supported housing program, the RAA must issue a voucher regardless of availability.

Those tenants selected under this category that do not meet a DHCD preference do not count toward the 10% exception authority.

For further information on the Mod Rehab or PBRA AIDS tenant selection process, see DHCD's Administrative Plan for the Mod Rehab program or Section 21 for the PBRA AIDS program.

3.2.3.1.2 DHCD SSTAP II and Shelter Plus Care subsidy holders

Formerly preference eligible families presently receiving assistance under DHCD's expiring SSTAP II or Shelter Plus Care programs will receive automatic preference and must be issued a voucher, provided they have complied with all of the requirements of their SSTAP II or Shelter Plus Care subsidy and have been unable to secure other long term rental assistance during the term of the temporary subsidy.

3.2.3.1.3 Victim/witness protection

These households must be offered assistance. However, if a voucher is not available, the household is placed at the top of the waiting list and offered the next available voucher.

Persons eligible to be considered for selection under this category must meet all four of the following criteria:

- a. A member of the applicant's household has witnessed, or been a victim of a crime committed in Massachusetts; and
- b. As a result of being a victim or a witness the family is in a life-threatening situation and must relocate to a safer community immediately; and
- c. Has sought assistance through local housing agencies; and
- d. Agrees to relocate to a safer community.

An applicant's eligibility for this category must be approved by DHCD before the administering agency may assist the household.

This category differs from the “involuntary displaced to avoid reprisals” category in that the applicant must be in a life-threatening situation the circumstances of which can be verified in writing by an appropriate law enforcement official. DHCD only approves requests that unequivocally state that the applicant family **is in a life-threatening situation**.

Persons assisted under this section qualify for a preference on the basis of involuntary displacement. Victim/witness protection is a definitional component of that preference category. The application of a ranking preference to this definitional component allows applicants that qualify as meeting the criteria for victim/witness protection to receive assistance before all other families with a preference

Procedure

It is the responsibility of the RAA to forward the forms provided at the end of this Section (Attachments 3 A & B) to any person that inquires about the availability of victim/witness assistance. DHCD makes decisions based on a review of submitted completed memos with supporting letters from appropriate law enforcement officials or victim/witness advocates.

3.2.3.2 Preference: Homeless or Substandard Housing

To be eligible for this preference either (a) or (b) below must apply.

HOMELESS

An applicant is considered **homeless** if the applicant:

- (a) Lacks a fixed, regular, and adequate nighttime residence and has a primary nighttime residence that is:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing); or
- An institution in which they have been residents for more than 30 consecutive days and no subsequent residences have been identified and they lack the resources and support networks needed to obtain access to housing; or
- A public or private place not designed for, or ordinarily used as, a regular sleeping place for human beings.

OR:

(b) Meets all three of the following criteria:

- The family is in imminent danger of losing housing, or has lost housing and is temporarily doubled up, and
- Due to the health or environmental needs of the family there is no appropriate temporary shelter, and
- Placement in another setting would endanger the health or safety of the family or the occupants of the shelter.

Health or environmental needs of this type could apply to individuals with demanding medical needs, including: the elderly, the terminally ill, and individuals denied access to shelters due to a life-threatening illness or the need for a barrier-free environment.

Generally, transitional housing is considered by HUD to be of a maximum 24-month duration. If an applicant is in transitional housing for a longer period, they must provide the RAA with the following additional information: 1) an explanation as to why they have been in transitional housing for an extended period; and 2) an explanation of when and under what circumstances they will lose the transitional housing. Using this information, the RAA will make a determination as to the applicant's homeless status.

DHCD considers group homes to be permanent housing; therefore, where an applicant living in a group home: 1) is not in danger of losing housing, and 2) would remain in place, and 3) where the primary change would be in the state or federal agency that is paying for the housing assistance, the applicant will be considered a standard applicant; i.e., does not meet a DHCD preference and may not be considered homeless. However, an applicant subject to eviction from a group home due to "turning 22" is considered to be "involuntarily displaced." Standard applicants are not eligible for assistance unless their application date is prior to 9/3/97. (See Section 7 for more information on special housing types)

The Massachusetts Alternative Housing Voucher Program (AHVP) is defined as a transitional housing program. Therefore, AHVP participants meet this preference.

Verification Requirements for Preference: Homeless

Homeless applicants who meet the criteria described in section 3.2.3.2(a) must provide certification of homeless status from a public or private facility that provides shelter for such households, or from the local police department or social service agency.

Applicants who are homeless due to residing in a transitional housing program must provide a letter from the transitional program's sponsoring agency documenting the applicant's participation and readiness to maintain an independent tenancy. If an applicant reaches the top of the waiting list prior to completing the transitional program they will be frozen upon selection from the waiting list until such time as they successfully complete the program or choose to leave the program. The applicant will then be issued the next available subsidy, provided they are otherwise section 8 eligible.

Homeless applicants who meet all three of the criteria described in section 3.2.3.2(b), those without housing or at risk of homelessness for health related reasons, must provide the following:

- Documentation from an appropriate source (e.g. present or prior landlord, unit or agency of government, social service agency) that the applicant is in imminent danger of losing housing, or has lost housing and is temporarily doubled up; and
- Documentation from a physician or other licensed health professional that placement in another setting, such as a temporary shelter, would endanger the health or safety of the applicant or the occupants of the shelter. This documentation is not required for admission to the TBRA AIDS program (see Section 22).

If homelessness is due to fire, and a member of the household caused or contributed to the fire due to negligence or an intentional act, the family is not eligible for a preference.

SUBSTANDARD HOUSING

An applicant is living in substandard housing if the unit:

- Is dilapidated;
- Does not have operable indoor plumbing;
- Does not have a usable flush toilet inside the unit for the exclusive use of the family;
- Does not have a usable shower or bathtub inside the unit for the exclusive use of the family;
- Does not have electricity or has inadequate or unsafe electrical service;
- Does not have a safe or adequate source of heat;
- Should, but does not have a kitchen; or
- Has been declared unfit for habitation by an agency or unit of government.

For purposes of meeting substandard criteria, “dilapidated” means the unit does not provide safe and adequate shelter, and in its present condition endangers the health, safety or well-being of a family, or the unit has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. The defects may involve original construction, or they may result from continued neglect or lack of repair, or from serious damage to the structure. The presence of lead paint in a building does not cause it to meet the definition of substandard housing.

Verification Requirements for Preference: Substandard Housing

Applicants living in substandard housing must provide certification from a unit or agency of government that the applicant's unit has one or more of the deficiencies listed above or the unit's condition is as described above.

3.2.3.3 Preference: Involuntary Displacement

To be eligible for this preference either (a) or (b) below must apply.

- (a) The applicant has been *involuntarily displaced* and is not living in standard, permanent replacement housing; OR,
- (b) The applicant will be involuntarily displaced within no more than six months from the date of preference status certification by the family or verification by the RAA.

Standard, permanent replacement housing is housing that: 1) is decent, safe, and sanitary, 2) is adequate for the family size, and, 3) the family is occupying pursuant to a lease or occupancy agreement. If a family that was involuntarily displaced has temporarily moved in with others in an overcrowded unit, the family is still considered displaced.

To be eligible for this preference, the involuntary displacement must affect the entire household occupying the affected unit, except for those applying under the category “displacement by domestic violence” or “displacement by inaccessibility of unit.”

Verification requirements applicable to all involuntary displaced categories.

In all cases, except for displacement due to inaccessibility of unit or by natural disaster, applicants must provide proof of residency in the affected unit for six continuous months as evidenced by bank statements, school records, bills, receipt of government benefits, rent receipts, copy of lease(s) or lease agreement(s), canceled checks, utility bills, or other relevant documentation that establishes residency. The RAA may waive this requirement on a case-by-case basis.

An applicant is *involuntarily displaced* if the applicant has vacated or will have to vacate the unit where the applicant lives because of one or more of the following:

3.2.3.3.1 *Displacement by disaster*

An applicant’s unit is uninhabitable because of a disaster, such as a fire or flood.

If homelessness is due to fire, and a member of the household caused or contributed to the fire due to negligence or an intentional act, the family is not eligible for a preference.

Verification Requirements

Certification from a unit or agency of government that an applicant has been displaced as a result of a disaster, such as a fire or flood, that has rendered the unit uninhabitable.

3.2.3.3.2 *Displacement by government action*

Activity carried on by an agency of the United States or by any State or local governmental body or agency in connection with code enforcement or public improvement or development program.

Verification Requirements

Certification from a unit or agency of government that an applicant has been or will be displaced by government action, as defined above.

3.2.3.3.3 *Displacement by action of housing owner*

Action by an owner that forces the applicant to vacate its unit.

An applicant qualifies under this category when: 1) the applicant cannot control or prevent the owner's action; 2) the owner action occurs although the applicant met all previously imposed conditions of occupancy; and 3) the owner action is other than a rent increase.

Examples include but are not limited to the following:

- Conversion of an applicant's housing unit to non-rental or non-residential use;
- Closing of an applicant's housing unit for rehabilitation or for any other reason;
- Notice to an applicant that the applicant must vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy;
- Sale of a housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred; or
- Any other legally authorized act that results or will result in the withdrawal by the owner of the unit or structure from the rental market.

A family evicted for a lease violation does not qualify for this preference.

Verification Requirements

Certification from an owner or owner's agent that an applicant had to, or will have to vacate a unit by a date certain because of an owner action referred to above.

3.2.3.3.4 *Displacement by domestic violence*

For the purposes of this section, "domestic violence" means actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant's household.

An applicant is involuntarily displaced by domestic violence if:

- The applicant has vacated a housing unit because of domestic violence; or

- The applicant lives in a housing unit with a person who engages in domestic violence.

If the applicant is still living in the unit at the time of selection, the violence must have occurred within six months or be of a continuing nature.

Verification Requirements

Certification of the domestic violence and/or displacement because of domestic violence as described above, from the local police department, social service agency, court of competent jurisdiction, or a clergyman, physician, or public or private facility that provides shelter or counseling to the victims of domestic violence.

If approved for assistance, the applicant must certify that the person who engaged in such violence will not reside with the applicant family unless the RAA has given advance written approval. The RAA agency may deny or terminate assistance to the family for breach of this certification.

[Sample letter]

I, _____ certify that
_____ (insert name of former abuser) will not reside
with my family and me unless _____ (housing agency) gives advance
written approval.

I understand that if _____ (insert name of former abuser)
returns to my household _____ (housing agency) may
deny or terminate my Section 8 assistance.

I also understand that if (insert name of former abuser)
_____ returns to my household and if I do not report this
change in household composition immediately then _____ (housing
agency) may terminate my Section 8 assistance for violation of program
requirements.

Signed this day of _____ - under the pains and penalties of
perjury.

Tenant/Head of Household

(date)

Program Representative

(date)

All decisions to terminate assistance or to allow the abuser to return to the household will be made on a case-by-case basis by the RAA and DHCD in consultation with the Massachusetts Department of Social Services Domestic Violence Unit or their designee.

3.2.3.3.5 *Displacement to avoid reprisals*

To qualify for this preference, the reprisal need not be life threatening, as is required for Automatic Preference under the Victim/Witness Protection provision.

An applicant is involuntarily displaced if:

- Family member(s) provided information of criminal activities to a law enforcement agency, AND
- Based on a threat assessment, the law enforcement agency recommends rehousing the family to avoid or minimize a risk of violence against family members as a reprisal for providing such information.

Verification Requirements

The District Attorney's Office must certify, in writing, that a member of the applicant household has or is cooperating with an investigation and is currently at risk of reprisal for providing such information; therefore, the DA's Office recommends relocation.

3.2.3.3.6 *Displacement by hate crimes*

For the purposes of this section a "hate crime" is defined as actual or threatened violence or intimidation against a person or the person's property because of race, color, religion, sex, national origin, handicap or familial status.

An applicant is involuntarily displaced if:

- A family member is a hate crime victim; AND
- The applicant has vacated a housing unit because of such crime, or the fear associated with such crime has destroyed the applicant's peaceful enjoyment of the unit.

If the applicant is still living in the unit at the time of selection, the crime must have occurred within six months or be of a continuing nature.

Verification Requirements

The applicant must provide written verification from the Police Department that a member of the household has been a victim of a reported hate crime.

In addition to the police report, the applicant must provide a letter from the owner that the family resided in the unit.

Applicants still residing in the unit where the crime occurred must provide a statement that the fear associated with such crime has destroyed the applicant's peaceful enjoyment of the unit.

3.2.3.3.7 *Displacement by inaccessibility of unit*

An applicant is involuntarily displaced if:

- A member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit; and
- The owner is not legally obligated to make changes to the unit that would make critical elements accessible to the disabled person as a reasonable accommodation.

For more information on reasonable accommodation please refer to Section 504 of the Rehabilitation Act of 1973, Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), the Americans With Disabilities Act, 24 CFR Part 8, and PIH Notice 99-52.

Verification Requirements

A licensed medical practitioner must certify that a member of the applicant's family has a mobility or other impairment that makes the person unable to use specific and critical elements of the unit and that the specific accommodation requested would allow the applicant to use that critical element of the unit.

Also, the owner must certify that the tenant has requested certain modifications to the unit; that the critical elements of the unit are as described by the applicant; and that the owner is not legally obligated to make the changes requested.

In instances where an owner will not cooperate in certifying to the unit's condition, but all other documentation is acceptable, the RAA should write to the owner requesting their cooperation and allow the owner 14 days to respond. If no response is received, the RAA should consider the applicant eligible for this preference.

3.2.3.3.8 *Displacement because of HUD disposition of multifamily project*

Involuntary displacement includes displacement because of disposition of a multifamily rental housing project under Section 203 of the Housing and Community Development Amendments of 1978.

Verification Requirements

HUD must provide certification of displacement.

3.2.3.4 Preference: Rent Burden

Applicants paying 50% or more of their family's monthly income toward their rent and utility costs for 90 days or more.

The following definitions apply when reviewing applicants for this preference:

"Family Income" is the gross monthly income of the household (defined in accordance with 24 CFR Part 5 as it applies to the Section 8 program). The following earned income exclusions apply to applicant families where the head of household and/or spouse has earned income from either full-time or part-time employment. These exclusions may only be applied to applicants for the purpose of determining program eligibility under the rent burden category. The exclusions are:

- Payroll deductions for federal and state taxes.
- Reasonable, non-reimbursable, documented childcare expenses that enable the family member(s) to remain employed.
- Documented health insurance premium costs.

These exclusions are for determining rent burden only. Total family contribution will be determined in accordance with HUD regulations.

"Rent" is defined as:

1. The actual amount due under a lease or occupancy agreement between a family and the family's current landlord (calculated on a monthly basis), plus
2. The monthly amount of the tenant-supplied utilities, which can be either:
 - a. The RAA's reasonable estimate of the cost of such utilities using the RAA's current utility allowances; or
 - b. The average monthly payment actually made for these utilities in the most recent 12-month period.

If the applicant is unable to provide utility bills for a 12-month period the RAA will use its current utility allowance schedule to complete the rent calculation.

Payments or allowances for heating assistance that a family receives from the Department of Health and Human Services' Low-Income Home Energy Assistance Program are not added to the family's gross income or subtracted from their utility costs.

If an applicant owns a mobile home but rents the space upon which it is located, then rent must include, in addition to the space rental, the monthly payment being made to amortize the purchase price of the home.

Members of a cooperative are "renters" for the purpose of qualifying for this preference. In this case, rent would mean the charges under the occupancy agreement.

To calculate the rent burden of an applicant living in a group home, only the amount paid for rent and utilities may be used to calculate the rent burden. Any payments the applicant makes for other services such as meals, etc., are not considered “rent” and may not be used in determining the rent burden.

Verification Requirements for Preference: Rent Burden

- Income must be verified in accordance with existing agency standards and procedures used to verify family income to determine eligibility.
- Amounts due under a lease or occupancy agreement must be verified by requiring the family to furnish copies of rent receipts, canceled checks, money order receipts, or a copy of a current lease, or by contacting the owner directly.
- For applicants who are not the primary tenant, or are not listed on the lease or rental agreement as a co-renter, the only acceptable verification will be canceled checks or money order receipts.
- Amounts paid to amortize the purchase price of a mobile home must be verified by requiring the applicant to furnish copies of payment receipts, or a copy of a current purchase agreement, or by contacting the lien holder directly.
- Amounts paid for utilities must be verified by requiring the applicant to provide copies of appropriate bills or receipts for a 12-month period. If verification for this period is not available, the agency should use its own utility allowances to determine whether or not the applicant's gross rent exceeds 50% of income.

At selection, applicants must verify that they have been paying rent that is 50% or greater of gross income (with exclusions listed above) for at least 90 days immediately prior to selection from the waiting list.

Generally, an RAA should average the family’s income for that 90-day period; but is encouraged to use the method that would most benefit the applicant.

3.2.3.5 Single’s Preference

HUD has repealed the preference for the admission of elderly, persons with disabilities and displaced persons over other single persons. However, DHCD has chosen to establish a local preference for households with only one member who is elderly or is a person with disabilities.

For a one-member household to be eligible for assistance it must be either elderly or a person with disabilities. If, upon selection from the waiting list, an applicant is a one-person family and is not elderly or a person with disabilities they will be ineligible for DHCD’s HCVP and will be dropped from the list. Because of the structure and length of DHCD’s waiting list it is no longer practical to skip singles that do not meet this selection preference.

The RAAs selection letter must describe the implications of being a one-member household that is not elderly or a person with a disability upon program eligibility.

3.2.3.6 Preference Retention

The RAA will determine the eligibility of an applicant receiving rental assistance under the following programs based on the situation of the applicant at the time the applicant began to receive such assistance. The applicant must be able to verify their housing situation prior to receiving the subsidy.

DHCD will permit families assisted under the following programs to retain its prior preference situation:

- The HOPWA program
- The Homelessness Prevention Program (HPP) administered by the AIDS Action Committee
- The DHCD and non-DHCD Shelter Plus Care (S+C) programs
- The DHCD Moving to Work (MTW) program
- The DHCD Mod Rehab SRO program

3.2.3.7 Non-preference Admissions and Verification Requirements

DHCD limits non-preference admissions to 10% annually. DHCD requires that RAAs use this authority to provide assistance to standard applicants. Standard applicants are not eligible for assistance unless their application date was prior to 9/3/97.

A standard applicant meets HUD's income guidelines for admission and does not qualify for a DHCD preference.

3.2.3.7.1 *Special Programs*

Some of DHCD's Special Programs do not require all applicants to meet a DHCD preference. Participants admitted under any of these programs that do not meet a DHCD preference will not count towards the 10% admission limit for standard applicants. For detailed information on special program eligibility, see Sections 18-30.

Verification Requirements

Verification will include, but is not limited to, documenting the applicant's family composition, gross annual household income, and standing from previous assisted tenancies.

3.2.4 Change in Preference Status

A family's situation may change while on the waiting list. Upon selection, the family may be considered for any preference for which it may be eligible with the following exceptions.

A standard applicant will be considered eligible if, upon selection from the waiting list, they are found to meet a DHCD preference.

A preference applicant may not be redesignated as a standard applicant if, upon selection from the waiting list, they do not meet a DHCD preference. (A limited exception exists for applicants that applied to HAP, Inc. in 9/97*)

**HAP, Inc. opened its waiting list in 9/97 and accepted applications from both preference and non-preference applicants. Only when this occurs, may applicants on a waiting list change their preference designation. If applications are accepted only for preference applicants, those applicants may not, at a later date, change to a standard applicant.*

3.2.5 Denying a Preference

RAAs are prohibited from providing an applicant with any type of preference if any member of the applicant household is a person who was evicted during the past three years from housing assisted under a 1937 Housing Act program, state public housing, or state rental assistance programs because of drug related criminal activity.

However, the RAA may give an applicant a preference if:

- The applicant has successfully completed a drug rehabilitation program approved by the RAA; or
- The applicant did not participate in or know about the drug related criminal activity; or,
- The RAA determines the person no longer participates in such activity.

If the RAA denies an applicant preference status, the RAA must provide the applicant with the opportunity to request an informal review with appropriate agency personnel. (See Section 9, Informal Hearings and Reviews)

3.3 Verification Requirements Applicable to all Admissions

The RAA must receive information verifying that an applicant is eligible within the period of 60 days before the RAA issues a voucher to the applicant. It is not necessary to re-verify an applicant's eligibility prior to initial lease-up.

3.3.1 Verification of Disability

For purposes of determining eligibility based upon disability status, HUD defines "person with disabilities" in the alternative as a person who:

1. Has a disability, as defined in Section 223 of the Social Security Act [42 USC 423] defines disability as:
 - a) "Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months," or
 - b) "In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."
2. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - a) Is expected to be of long-continued and indefinite duration;
 - b) Substantially impedes his or her ability to live independently, and
 - c) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
3. Has a developmental disability as defined in 42 U.S.C. 6001. Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6001(7)] defines developmental disability in functional terms as:

"Severe chronic disability that:

 - a) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - b) Is manifested before the person attains age 22;
 - c) Is likely to continue indefinitely;
 - d) Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self-care, (2) receptive and responsive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and
 - e) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated."

HUD's definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndromes.

For purposes of qualifying for low-income housing, excludes a person whose disability is based solely on any drug or alcohol dependence.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term "person with disabilities" means "individual with handicaps" as defined in 24 CFR 8.3(b).

Receipt of SSI or Social Security Disability payments is a sufficient demonstration that an applicant is disabled. In the absence of such income, a physician or other licensed health professional must confirm whether or not an applicant meets HUD's definition.

Each RAA must use the verification form provided at the end of this section as Attachment 3-C.

NOTE: Employment is not an indication of whether or not a person has a disability.

3.3.2 Verification of Zero Income

As a practical matter, a family must have income from a source or from another party that is paying for its living expenses. Rent and utility payments paid on behalf of the family and other cash or non-cash contributions provided on a regular basis must be counted as income. Participants that claim zero income must undergo a re-examination each quarter at a minimum, but preferably monthly.

3.3.3 Verification of Income From Self-employment

Verification of income from self-employment will be based on a 12-month period. It is most appropriately measured by the family's federal and state income tax returns. Tax returns are the most acceptable method of verification. Income may be projected to ascertain an annual amount.

If the self-employment is of a seasonal nature, and it is not feasible to anticipate a level of income over a 12-month period, or the RAA believes that past income is the best available indicator of expected future income, the RAA may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

3.3.4 Verification of Drug or Alcohol Rehabilitation

In accordance with the Housing Opportunity Extension Act of 1996, an RAA may require any family member who has engaged in drug related activity within 3 years or

has a pattern of illegal use of a controlled substance or pattern of alcohol abuse to submit evidence of participation in or successful completion of a supervised treatment program as a condition of being allowed to participate in the Section 8 program.

3.3.5 CORI - Criminal Offender Registry Information

DHCD requires each RAA to run a CORI check on all applicant family members who are 18 years and older as part of the eligibility verification at the time of selection from the waiting list. While awaiting the CORI report, the RAA may issue a voucher to the applicant with the understanding that if the CORI is unsatisfactory the RAA will revoke the voucher. When a voucher is issued under these circumstances, the RAA must inform the family in writing of this possibility. If the CORI is still outstanding at the time of RFTA submission, the RAA must inform the owner in writing of the consequences of an unacceptable CORI prior to entering into a HAP contract.

Participant families that transfer into the RAA's program without a certification in the file stating the date that a CORI check was run by the issuing PHA are subject to this requirement. However, the RAA may not delay approval of a unit while waiting for the CORI check to be completed on a participant. The RAA must inform the owner in writing of the consequences of an unacceptable CORI prior to entering into a HAP contract.

It is not necessary to run a CORI check on families that are transferring in from a PHA that certifies that it requires a satisfactory CORI as a condition of admittance to its Section 8 Program.

Each family member who reaches the age of 18 years must consent to a CORI status check at the family's next annual reexamination. Any new family member age 18 years and older must consent to a CORI status check prior to RAA approval for the new member to reside in the assisted unit.

The RAA will act only on information relative to violent or drug related criminal acts that occurred within the three years (one year for possession of drugs for personal use) prior to its receipt of an unsatisfactory CORI report with the following exception: Persons convicted of egregious acts of violence such as rape or murder, may be terminated or denied assistance regardless of the length of time that has elapsed since the crime was committed.

The RAA has the authority to consider mitigating circumstances in all instances of unsatisfactory CORI status reports. During the conditional period (which will not exceed two years), the family may only transfer to another PHA's program if it gives the RAA written permission to divulge the facts of its conditional admittance to the Section 8 program to the receiving PHA.

A family member's refusal to give signed consent for the CORI check is cause for denial or termination of assistance. If the head of household refuses to sign the consent form the entire family will be denied assistance or terminated from the

program. If a member other than the head of household refuses, the remainder of the family may be assisted provided that the head agrees that such member will not reside in the assisted household.

A CORI may be requested at any time if the RAA becomes aware of a possible criminal offense necessitating confirmation through another CORI check; otherwise, each family member will only be subject to one CORI check during the course of his or her participation. However the RAA may, at its discretion, re-run a CORI check within two years of the informal hearing for any family member accepted by the RAA based on mitigating circumstances after receipt of an unsatisfactory CORI report.

Unless the CORI report is used to deny or terminate assistance it must be destroyed by the RAA. It is illegal to keep unused reports on file. CORI reports used to deny or terminate assistance must be kept under lock with extremely limited access to staff responsible for eligibility verification. These CORI reports must be destroyed at the end of the appeal process, or if no appeal is filed when the appeal period lapses.

3.3.5.1 CORI for Live-in Aides

See Section 10.

3.3.5.2 Out-of-State CORI

An RAA must perform necessary criminal history background checks in other states where the household members are known to have resided (24 CFR 5.856).

3.3.5.3 Sex Offender Registration Records

An RAA must carry out background checks necessary to determine whether a member of a household applying for admission is subject to a lifetime sex offender registration requirement under a State sex offender registration program. This check must be carried out for Massachusetts and for other states where the household members are known to have resided.

The following website provides access to state laws regarding sex offenders and, for some states, direct access to its sex-offender registry: <http://www.prevent-abuse-now.com/register.htm>

3.3.5.4 Owner Access to Criminal Records

See 24 CFR 5.903

3.3.6 Assistance to Non-Citizens

Section 214 of the Housing and Community Development Act of 1980 prohibits HUD from making financial assistance available to persons other than United States citizens, nationals, or certain categories of eligible non-citizens in HUD's housing programs. A Declaration of Section 214 Status must be signed for each family member.

RAAs need not require proof of citizenship or national status in addition to the signed Declaration of Section 214 Status.

RAAs may begin providing assistance to an applicant family prior to INS verification of eligible immigration status if all other eligibility criteria are met, and one family member is known to be eligible.

For more information see 24 CFR 5.5.

3.4 Waiting List Administration*

The RAA must maintain and keep current the Internet waiting list/admissions tracking system or RAAs will be subject to administrative fee sanctions.

3.4.1 Waiting List/Admission Tracking System

DHCD has established an Internet-based waiting list and admissions tracking system that provides applicant information for all of DHCD's Section 8 tenant-based rental assistance programs. The tracking system provides RAAs with a separate regional waiting list for each of DHCD's Section 8 programs. An applicant is tracked from the time of application until they lease a unit or otherwise conclude the admissions process. To ensure efficient statewide coordination in the processing of applicants, all of DHCD's administering agencies have access to the entire database of applicant information via the Internet.

3.4.2 Opening and Closing the Waiting List

On March 27, 2000, DHCD opened its statewide waiting list. At the time of this administrative plan update DHCD intends that its list will remain open; however, it may choose to close its waiting list at any time for administrative reasons. If the waiting list is closed, and all DHCD preference applicants within an RAA administrative area have been exhausted, DHCD will open the list in a limited manner accepting applications only from applicants that reside or work in that region. When the waiting list is open for one month or longer, the notice to close the waiting list will be given in the same manner in which it was opened.

3.4.3 Waiting List Information

All RAAs shall use the same standard pre-application. At a minimum the following information must be received for an application to be considered complete.

1. Applicant name and address.
2. Number of members in household.
3. Preference designation or current housing situation.
4. Social Security Number for the applicant only. A SSN is required to ensure that duplicate applications are not entered onto the waiting list

Applications missing any of this information may not be processed and the application will be returned to the applicant if an address has been provided. If the waiting list is closed, a corrected application will not be accepted unless the applicant can demonstrate mitigating circumstances.

Multiple applications by the same applicant will not be accepted. If an applicant is already on the waiting list and submits another application, the applicant record will be updated to reflect the information they have provided in the most recent application.

Applications will not be accepted by FAX. DHCD and its regional administering agencies are not responsible for lost applications, applications with errors, applications sent by FAX, or applications that are not legible.

Applicants are responsible for notifying any one of DHCD's regional administering agencies in writing of any change in address or other information.

The applicant must provide verification of eligibility after they have been selected. In accordance with 982.201(e) information verifying family eligibility must be obtained by the RAA no more than 60 days before the RAA issues a voucher to the applicant.

3.4.4 Regional Designation

At the time of application, each applicant is assigned a regional designation based on the address they have provided in their application. All notices will be sent to the address provided in the application. The regional designation places the applicant in the service area of one of DHCD's eight regional administering agencies. Out of state applicants are assigned a regional designation of zero, as they are not entitled to a regional residency preference.

3.4.4.1 Change in Regional Designation

After the application has been entered, the regional designation may be changed only for three reasons: change of address, employment out of region, or if the applicant resides in a shelter. A change in regional designation may either increase or decrease an applicant's waiting time, depending upon the number of applicants in that region. Changes to an applicant's regional designation are not made automatically by the RAA, they must be requested in writing by the applicant and accompanied by proper verification as described below.

3.4.4.1.1 *Change of Address*

An applicant may change their regional designation if they have moved to a community that is in a different region than where they applied. The applicant must provide verification of residence at the new address, such as a current utility bill.

3.4.4.1.2 *Work Location*

An applicant may change their regional designation if the community in which they work is in a different region than where they reside. The applicant must provide verification of employment in the region such as a current pay stub.

3.4.4.1.3 *Applicants in Shelter*

An applicant in a shelter has the option to change their regional designation to the region of their last permanent residence, if different. No evidence of residence will be required for the initial change, however, if subsequent changes are requested, verification will be required.

3.4.4.1.4 *Regional Special Programs*

Certain special project-based programs are not administered statewide. If an RAA receives a referral for a regional project-based special program the applicant's regional

designation should be changed to the region the special project-based program is actually in. This will ensure that the applicant will appear on the appropriate regional waiting list for that program. The RAA must provide DHCD with the reason for changing the regional designation through its ATS data transmissions and must keep a copy of the referral form in the applicant file.

3.4.5 Position on Waiting List – How Established

All applications are placed on a single waiting list by date and time the application is received. Applying the regional residency preference creates eight regional sub lists from which selections are made. An applicant's position on the regional waiting list is determined by a combination of the applicant's regional designation and the date and time their application was received.

3.4.5.1 Change in Preference Status

An applicant's preference status may change while they are on the waiting list. Any change in preference status will not affect an applicant's position on the waiting list.

3.4.5.2 Change Between Preference Status and Non-preference Status

Only applicants that applied to HAP, Inc. during the 9/97 waiting list opening may change between preference and non-preference status. Such change will not affect their position on the list. However, changing to non-preference status may affect an applicant's waiting time as non-preference applicants are selected at a slower rate. See Section 3.2.4.

3.4.5.3 Notice to New Applicants

At least once a year, each RAA will send a letter to all new applicants informing them of their position on the waiting list and the approximate waiting time until selection. Should these letters be returned by the Postal Service for any reason the applicant will be dropped from the waiting list.

3.4.6 Selection From the Waiting List

RAAs will make all selections from its regional waiting list in accordance with the preferences established in Section 3.2 with the following exception.

3.4.6.1 Selection Method for New Allocations of Fair Share HCVP Vouchers Received After 1/1/2000

All new HCVP vouchers, for which DHCD receives an annual contributions contract after 1/1/2000, will be issued to eligible preference applicants on the statewide waiting list without regard to any regional residency preference.

However, a temporary exception is necessary to correct for the disproportionate number of applicants from HAP, Inc., that are at the top of the waiting list. Prior to the opening of the statewide waiting list on 3/27/00, approximately 1,500 applicants remained on HAP's preference waiting list. In order to minimize the impact on these applicants, their order was maintained and they were placed on the new statewide waiting list by the list open date. Therefore, the current statewide list has an extremely high concentration of applicants living in Hampden, Hampshire and Hampden counties at the top of the list.

Therefore, a distribution of subsidies to the statewide waiting list without regard to regional preference would result in nearly all of the subsidies being distributed to one region of the Commonwealth. Until these applicants from the prior open period have all been selected, DHCD will determine a proportionate number of any new allocations to be distributed to HAP. The remainder of the new subsidies will be distributed to applicants on the statewide waiting list, by date and time of application, without regard to the regional residency preference.

3.4.6.2 Effect of Selection on the Status of Other Applications

At any time, an applicant may be on the waiting list for one or more of DHCD's Section 8 programs, e.g., HCVP, FUP, JOBLink, Mainstream, etc. An applicant may be processed only in one DHCD Section 8 program at a time. When an applicant is sent a selection letter for any one program, they must complete processing under that program, i.e., either lease a unit or otherwise complete the intake process, before they may be selected under another Section 8 program. To ensure that an applicant is not selected under more than one program at a time, the admissions tracking system will not recognize the "waiting" status of an applicant under any other program, while they are going through the admissions process. If an applicant successfully completes the admissions process by leasing a unit under any DHCD Section 8 program, their name will be automatically dropped from the waiting list for any other programs that they may be on.

If an RAA has exhausted its preference applicants, it may continue to select standard applicants from its regional list provided DHCD's 10% leasing limit on standard applicants is not exceeded, and there exists a sufficient pool of preference applicants on other regional waiting lists.

3.4.6.3 Applying the Singles Preference

Because an applicant's status may change while they are on the waiting list, households with only one member that have not self-identified as being elderly or a person with disabilities should be selected in order to determine if their situation has changed. If a preference applicant does not qualify for the singles preference, they shall be dropped from the waiting list. The RAAs selection letter must include a statement that addresses the implications of being a one-member household that is not elderly or a person with a disability upon program eligibility. (See also Section 3.2.3.5)

3.4.7 Removing Names From the Waiting List(s)

RAAs will remove names of applicants:

1. That do not respond to a written request for information or updates;
2. That have leased a unit under the HCVP or any of DHCD's Section 8 Special Programs.
3. If correspondence from the RAA to the applicant is returned by the Postal Service for any reason.

In these instances the RAA is not required to make any further effort to contact the applicant. An informal review is not required to be offered. At the discretion of the RAA an applicant that has been removed from the list for failure to respond to a written request may be reinstated if mitigating circumstances can be proven and the request is made within a reasonable period of time.

If the RAA did not accept applications from standard applicants at the time the list was established and upon selection the applicant cannot verify preference status, they will be dropped from the waiting list.

3.4.8 Special Program Waiting Lists

DHCD administers a variety of special Section 8 programs. Applicants for these programs must meet additional, specific, eligibility requirements. For most special programs, the RAA will receive referrals from agencies that typically provide services to the targeted population. Upon receipt, these referrals will be added to the specific special program waiting list and the applicant will also be placed on the regular Section 8 waiting list if it is open. When an applicant cannot establish basic program eligibility at the time of application, the provider agency may refuse to make a referral and/or the RAA will refuse to accept the referral. For example, a referral to the Family Unification program (FUP) will not be placed on the waiting list until DSS verifies that the applicant has an open DSS case.

Due to the limited allocation for these special programs, DHCD may limit the number of applicants that are placed on any special program waiting list. For example, DHCD has established a limit of 25 applicants per RAA for each of the FUP, MS and GPASHP programs.

If the RAA decides not to place the applicant on the special program waiting list they must notify the family in writing of the reason and offer an informal review. If admissions decisions are made by the provider agency, that agency is responsible for conducting the informal review.

See Sections 18-30 for more information on special programs.

3.4.9 Waiting List Demonstration

DHCD may enter into a demonstration program(s) with one or more local housing authorities to extend the benefits of its statewide waiting list to applicants and PHAs throughout the Commonwealth. Demonstration procedures will be articulated in a Memorandum of Understanding signed by the participating agencies.

3.5 Denial of Assistance to Applicants*

Denial of assistance to an applicant may include any or all of the following:

- Denying listing on the waiting list;
- Refusing to issue a voucher;
- Withdrawing a voucher;

- Refusing to enter into a HAP contract or approve a lease; or
- Refusing to process or provide assistance under portability procedures.

When assistance is denied the family must be notified in writing of the reason and offered an informal review.

If an applicant owes money to a PHA from a previous tenancy in a state- or federally assisted unit, the RAA may require that the applicant satisfy the full reimbursement prior to receiving their Section 8 assistance.

3.5.1 Grounds for denial of assistance

Assistance must be denied for any of the following reasons:

1. The applicant family's annual income exceeds the HUD income limit.
2. If any family member who is at least 18 years of age and each family head of household and spouse regardless of age, refuses to sign or submit the required consent forms in accordance with HUD regulation (24 CFR 5.230).
3. If the RAA has verified that the applicant or a member of the applicant's household has been convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as "the building or complex in which the dwelling unit is located, including common areas and grounds." DHCD further defines premises as any individual units leased with Section 8 rental assistance, including the common areas and grounds.
4. If any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.
5. The Housing Opportunity Program Extension Act of 1996, signed into law on March 28, 1996 requires that persons evicted from Public Housing, Indian Housing, Section 23, or terminated from any Section 8 program because of drug-related criminal activity are ineligible for admission to Section 8 programs for a three-year period beginning on the date of such eviction. The RAA may waive this requirement if: 1) the person demonstrates successful completion of a rehabilitation program approved by the RAA; or, 2) the circumstances leading to the eviction no longer exist. For example, if the individual involved in drugs is no longer in the household.

There are circumstances where an applicant's past performance in a state-or federally assisted housing program will disqualify the family for admission to DHCD's Section 8 programs. However, the RAA may not automatically deny assistance to a family without having conducted an independent investigation into the circumstances of each

case, including the seriousness of the offense, how long ago it occurred, and whether the family composition is the same.

An RAA has discretion to consider mitigating factors presented by the family when deciding whether or not to deny assistance. See Section 14 for more information about mitigating circumstances.

In the absence of mitigating circumstances, the RAA will deny assistance to an applicant for the following reasons:

1. If the family violates any Family Obligations as listed in HUD regulations for the Section 8 program.
2. If any family member has been evicted from federally or state-assisted public housing.
3. If any RAA has ever properly terminated assistance under the Section 8 program for any family member for a serious program or lease violation.
4. If any family member commits drug related or violent criminal activity.
5. If any family member commits fraud, bribery, or any other corrupt or criminal act in connection with any federal or state housing program, e.g., withholding information about income during a required reexamination, or misrepresenting the family's income in a previous federal-or state-assisted tenancy.
6. If the family currently owes rent or other amounts to an RAA or to another administering agency in connection with Section 8, public housing assistance under the 1937 Act, or state-assisted public housing, and has not made a good faith effort to meet the terms of their promissory note or repayment agreement.
7. If the family has not reimbursed any RAA or administering agency for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
8. If the family breaches an agreement with the RAA to pay amounts owed to an RAA, or amounts paid to an owner by a RAA.
9. If the family has engaged in or threatened abusive or violent behavior toward RAA personnel.
10. If any household member has been evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity within three-years of the date of admission.

11. If the RAA determines that there is reasonable cause to believe that any household member abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
12. If the RAA determines that there is reasonable cause to believe that any household member's **pattern** of illegal use of a controlled substance or **pattern** of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

3.6 *Tenant Selection Under the March 8, 1991, Consent Decree NAACP v. KEMP*

In the above-referenced Consent Decree, U.S. District Court Judge Walter Skinner ordered that HUD make available five hundred (500) Section 8 subsidies for residents of the City of Boston. One hundred (100) tenant-based Certificates have been allocated to DHCD. Issuance of these subsidies will be limited to applicants who are residents of the City of Boston on the waiting list, using the preference criteria detailed in Section 3.2.

These one hundred subsidies will be tracked separately. Upon turnover they will be reissued to residents of the City of Boston on the waiting list.

3.7 Applicant Briefing

The first time a family is issued a voucher the RAA will conduct a detailed briefing session to explain the program to the family. Typically, the briefing will be a group session held at the RAA office. If the family cannot attend a briefing because of illness or disability, the RAA shall conduct individual briefing sessions at a location convenient to the family; or, the family may send a proxy to the briefing. The family must sign a release form authorizing the proxy to attend the briefing on its behalf. The family, not the proxy, must sign all forms distributed at the briefing.

Topics to be discussed at the briefing will include:

- A description of the program.
- Discrimination and fair housing issues.
- Family and owner responsibilities.
- An explanation of portability.
- Where the family may lease a unit, both within and out of the RAA jurisdiction.
- What agency must administer the subsidy out of the jurisdiction of the issuing RAA.
- For families that live in high poverty areas, an explanation of the advantages of moving to an area that does not have a high concentration of poor families. For a list of high poverty census tracts see Attachment 3-D. These high poverty areas must be identified to all applicants at the briefing.
- How to submit a RFTA.
- The possible impact of a CORI on an applicant's ability to transfer to another RAA or PHA jurisdiction.
- Restrictions on moving with continued assistance if money is owed.
- Explanation of an exception payment standard and its appropriate use as a mechanism to enable the family to further its housing opportunities. The RAA must explain that as a reasonable accommodation for a person with disabilities the RAA may authorize an exception payment standard of up to 110% of the FMR. Furthermore, that on a case-by-case basis, HUD may authorize an exception payment standard up to 120% of the FMR provided a specific unit has been identified.
- An explanation of the RAA's reasonable accommodation policies.
- The policy on providing family information to owners (see Section 4.3.3.1)

The RAA will clarify that in areas where PHAs are not yet utilizing the CORI, applicants or participants who transfer are subject to a CORI at the receiving agency (see Section 3.3.5.). The consequences of a new or updated unsatisfactory CORI, including the possibility of program termination, must be explained to the transfer participant.

At the briefing the family will be provided with an information packet that contains, at a minimum, the 15 items required by HUD regulation 982.301(b), and the following:

- The required letter explaining portability and the consequences of voluntarily giving up the subsidy to be signed by the applicant (see Attachment 3-E).

3.8 Subsidy Standards*

Subsidy standards determine the family unit size. The family unit size is the number of bedrooms needed for families of different sizes and compositions, and is used to determine the maximum rent subsidy for the family.

Subsidy size	Minimum number of persons	Maximum number of persons	Minimum number of bedrooms ¹
SRO	1	1	0
0	1	2	0
1	1	2	0
2	2	4	1
3	3	6	2
4	4	8	3
5	5	10	4
6	6	12	5

¹Min. # of bedrooms does not include other rooms that could be used for sleeping.

For purposes of determining subsidy standards, an adult is 21 years of age or older. A child is under 21 years of age.

Adults will be allocated one bedroom per adult. If two adults consider themselves partners they will be allocated one bedroom.

An adult will not be required to share a bedroom with a child.

A parenting minor will not be required to share a bedroom with a child.

The head of household will be allocated one bedroom. If s/he has a partner, the partner will share the bedroom.

Single pregnant women with no other children in the household will be allocated two bedrooms.

Pregnant women with other family members will be allocated sufficient bedrooms to accommodate the new baby if the birth would result in the family being underhoused.

Two children of the same gender, regardless of the age differential, will share one bedroom. This includes children of blended families, who may have different parents.

Two children of the opposite gender will be allocated separate bedrooms.

Live-in aides, documented as medically necessary for the care of a family member who is disabled and/or is at least 50 years of age, will be allocated a separate bedroom.

A child who is temporarily absent because of placement in a foster home is considered a family member in determining the family unit size. As used in this section, “temporarily” means that the Department of Social Services (DSS) goal for the family is reunification with their children within one year of the date the subsidy is issued.

When the goal for children in foster care is adoption, the children are not considered “temporarily” absent and the family will be issued a subsidy size that does not include the children in foster care. Should DSS change a family’s goal from adoption to reunification the RAA will increase the family’s subsidy size as appropriate, and when appropriate. In any case, the RAA will not terminate a HAP contract unless HQS space standards are violated.

The family must sign a release for the purpose of obtaining relevant information from DSS.

If a planned reunification does not occur within the first year after the subsidy is issued the family will be considered overhoused. See section 3.8.3.3.

In instances where a family member does not have sole custody of a child, or if a child lives only part of the time with the household, the RAA must consider custody and the amount of time that the child spends with the applicant/participant. The RAA must quantify the amount of time the child spends with the applicant/participant based on documentary proof provided by the applicant/participant.

More than one applicant or participant should not claim the same child.

3.8.1 Application of Subsidy Standards

A family may lease a unit with more or fewer bedrooms than indicated on the voucher. The family may choose to use a living room, or other general living area, as a bedroom. This is allowable provided the applicable HQS space requirements are met; i.e., there is enough square footage in the living/sleeping area for the number of persons who will use such space for sleeping, and there is adequate light and ventilation. (See Section 5 for information pertaining to voucher size and payment standard used.)

3.8.2 Exceptions to Subsidy Standards

Exceptions to these standards may be granted by the RAA for documented reasons critical to the household’s health or if justified by handicap, relationship of family members, or other personal circumstances. Documentation must come from appropriate third party sources such as a doctor, psychiatrist, or psychologist. It is the responsibility of the applicant or participant to obtain such documentation.

3.8.3 Adjustments in Family Unit Size Due to Changes in Family Composition

3.8.3.1 Unit Does Not Meet HQS

When an RAA determines that a unit does not meet HQS because of an increase in family size or a change in family composition, the family will be issued a larger subsidy size. The family and the RAA must try to find an acceptable unit as soon as possible. If an acceptable unit is available, the RAA must terminate the HAP contract. The higher payment standard will not be applied until the family moves.

3.8.3.2 Family is Underhoused

If a family is entitled to a larger subsidy because of the application of these subsidy standards (the unit meets HQS), the larger subsidy is issued as follows:

If the family has been in the unit for a minimum of one year:

- When the RAA is notified by the family of this change and that it wishes to move, or
- At its next annual reexamination.

If the family has been in the unit for less than one year:

- At its next annual reexamination.

The higher payment standard will not be applied until the family moves. An underhoused family is not required to move unless the unit does not meet HQS. The family must be issued a larger subsidy but may exercise its right to move at any time in accordance with its lease obligations.

3.8.3.3 Overhoused Family

When an RAA becomes aware that a family is overhoused, the RAA must immediately issue a smaller voucher. The new (lower) payment standard will be applied at the next annual reexamination if the family chooses to remain in place, or upon a move to a new unit.

When the voucher is issued the RAA must recalculate the family's payment under the smaller voucher size and inform the family of its options. This will enable the family to determine if it can afford to remain in place. The family must be reminded of the 40% maximum initial rent burden should it elect to move to a new unit.

3.8.4 Termination Notice and Effective Date

When the HAP contract is terminated due to violation of HQS the RAA must notify the family and the owner of the termination. The termination is effective at the end of the calendar month that follows the calendar month in which the RAA gives notice to the owner.

3.8.5 RAA Role in Identifying Acceptable Units

If a family is required to locate another unit, the agency will assist the family in its housing search by making available to the family current listings of known available units and appropriate referrals to housing search agencies.

4 Issuing and Leasing*

4.1 Term of Voucher

DHCD may modify this policy at any time if it appears that DHCD does not have adequate contract authority to support over-issuing.

4.1.1 Initial Term

The initial term of the voucher is 60 days.

Alternatively, an RAA may initially give the family the full 120 days provided the RAA sends two reminders to the applicant regarding the expiration date of the subsidy. The reminders should be sent at approximately 55 days and again at 90 days. In the second reminder the RAA should inform the applicant of their ability to request an additional 60-day extension, of up to 180 days.

4.1.2 Extensions of Initial Term

If only 60 days are granted initially, the RAA will grant a family one 60-day extension upon written request.

4.1.3 Extensions Beyond 120 Days

Efforts must be made to obtain housing search assistance for an applicant that requires an extension beyond 120 days.

4.1.3.1 Up to 180 Days

Given the difficulty finding a unit in the current housing market at the time of this update, DHCD will permit its RAAs to extend the voucher term up to 180 days for any applicant indicating a need for additional time to search for an apartment. The voucher holder must submit a written request for this additional time stating the reason(s) why it is being sought.

4.1.3.2 Beyond 180 days

On a case-by-case basis, RAAs may extend the cumulative voucher term beyond 180 days to provide a reasonable accommodation for a person with a disability.

A one-time extension of 60 days may be granted for other good cause as determined by the RAA provided the family submits a detailed housing log showing that they are engaged in a diligent housing search in 3 different cities or towns and have submitted at least 1 RFTA in the first 180 days.

Other good cause may include but is not limited to the following:

- Applicant has been unable to find a unit for reasons related to a domestic violence situation;
- Applicant is in a homeless shelter and despite diligent search efforts has been unable to find a unit; or,
- Applicant has recently obtained housing search assistance and is likely to find a unit if one more extension is granted.

4.1.3.3 Procedure

Extension requests must be submitted to the RAA in writing by the expiration date unless that the applicant can demonstrate that mitigating circumstances prevented the request from being filed on time. Extension requests beyond 180 days must be supported by a documented housing search effort. Applicant documentation of diligent search efforts must be acceptable to the RAA. For reasonable accommodation cases, the documentation must demonstrate that the applicant was unable to find housing as a result of their disability.

To ensure consistency, each RAA must designate one person in a supervisory position who will be responsible for reviewing and making decisions on all requests.

Decisions on extensions are not subject to informal reviews or hearings and cannot be appealed to DHCD.

Progress report requirement

The submission of a detailed, written, progress report to the RAA is mandatory in order for a family to be granted an extension beyond 180 days for other good cause. However, at any time during the extended term the RAA may require the family to report its progress in leasing a unit. At a minimum, the report should indicate where the family looked for a unit and why it was rejected.

RAAs are encouraged to require a progress report for all extensions beyond 60 days, particularly where the family is "hard-to-house" or has self-identified as having a disability. Review of a family's progress report will provide the RAA with evidence of a diligent housing search and will facilitate review of any future requests for extension by the family. A family's progress report may also be used proactively to reveal situations of possible discrimination where a family is repeatedly denied housing.

4.1.4 Suspensions*

The term of a family's subsidy will be suspended upon submission of a "Request for Tenancy Approval" (RFTA). The RAA will allow suspensions during both the initial or extended term after submission of a RFTA.

4.1.4.1 Determining the Length of Suspension

Suspension will be for the period of time between the date the RFTA is submitted and the date of the letter in which the result of the final inspection is communicated to the

family. If the suspension is for a reason as stated in Section 4.1.4.2, the RAA will determine an appropriate period not to exceed 240 days.

4.1.4.2 Granting or Denying Suspensions

In all cases, the voucher's term will automatically be suspended upon submission of a RFTA. Suspensions for other reasons will be granted provided the family can provide documentation acceptable to the RAA that after the voucher was issued circumstances occurred that halted its housing search.

Suspensions may be granted for the following reasons:

- A lead inspection or deleading is pending;
- A family member becomes temporarily confined to a hospital, nursing home, etc.;
- The applicant is admitted to a drug rehab or other rehab program; or,
- Other situations beyond the family's ability to control that prevents the family from conducting a housing search.

A voucher will not be issued to a single individual who is unable to undertake a housing search in the first place, e.g., in the hospital or in prison. Where circumstances prevent the individual from accepting a subsidy, it may be "frozen" for a period not to exceed one year, but not if the individual is in prison.

4.1.4.3 Participant Suspensions

In situations where a participant is not terminated but voluntarily chooses to enter a substance abuse treatment program the RAA may suspend the subsidy for a period not to exceed 12 months provided the participant:

- Is in compliance with program regulations at the time the suspension is requested; and,
- Provides advance notice to the RAA; and,
- Agrees to the RAA's terms and conditions for the suspension.

For a sample voluntary suspension contract see the attachment at the end of this section. This contract may be extended up to an additional six months at the discretion of the RAA provided the participant has complied with the terms of the contract, and the extension is to continue in the treatment program.

If a participant enters subsidy holder status due to HAP termination through no fault of their own and is prevented from conducting or completing a housing search for medical reasons or other good cause, the RAA may suspend the voucher.

4.1.5 Expiration

If the voucher expires the family may file a new application if the waiting list is open.

4.2 Applicants & Portability

If an out-of-state applicant was not a Massachusetts resident at the time of application or is not employed in Massachusetts, they must reside in the state for 12 months before exercising portability.

To find a housing authority that services a particular area, a national listing of PHAs may be found at the following website. Search by state, program type and activity status then click on the “retrieve” button. Next, click on the “contact” bar to get HA contact information.

<http://pic.hud.gov/pic/haprofiles/haprofilelist.asp>

4.3 Lease Approval

4.3.1 Submission of RFTA

The family must submit a RFTA and a copy of the lease during the voucher’s term in the form and manner required by the RAA. A family may submit only one RFTA at a time.

4.3.2 Disapproval of Owners*

The RAA has discretion to reject an owner in accordance with this policy and by considering the circumstances of each individual case.

An RAA may require a prospective landlord to disclose ownership information, to determine if the owner should be rejected or approved. The term “owner” is not merely the nominal entity that holds legal title to the property to be rented, but also covers other persons with an actual interest in the property. Owners are responsible for those they employ, such as agents and management companies; therefore, the RAA may also consider the practices and past performance of agents and management companies in their decision to reject an owner.

An RAA must disapprove the owner, when directed by HUD, if:

- The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements, and such action is pending;
- A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements or;
- The owner is subject to certain federal sanctions and the RAA has been informed of this fact by HUD or some other source;
- The owner has been the subject of equal opportunity enforcement proceedings and the RAA has been directed by HUD to deny approval.

An RAA may deny owner participation if the owner has:

- Violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437(f)); or
- Committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; or
- Engaged in drug-trafficking; or
- The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based section 8 assistance or leased under any other Federal housing program; or
- A history or practice of renting units that fail to meet State or local housing codes; or
- Not paid real estate taxes, fines or assessments.

4.3.3 Providing Information About a Family

4.3.3.1 To Owners

The selection of a family for program participation is not a representation by the RAA about the family's expected behavior or suitability for tenancy. Determining tenant suitability is the housing owner's responsibility. Owners are permitted and encouraged to screen families on the basis of their tenancy history. An owner may consider a family's background with respect to such factors as:

- Payment of rent and utility bills;
- Caring for a unit and premises;
- Respecting the rights of others to the peaceful enjoyment of their housing;
- Drug related criminal activity or other criminal activity that is a threat to the life, safety or property of others (criminal convictions are a matter of public record); and
- Compliance with other essential conditions of tenancy.

To assist the owner in obtaining this information the RAA will give the owner:

- The family's current and prior address if known, as shown in the housing agency records; and,
- The name and address, if known, of the landlord at the family's current and prior address whether subsidized or non-subsidized.

This information may be provided to a person authorized by the owner to screen tenants and/or lease the unit. The RAA may verify third-party authorization and requests for information with the family to determine their legitimacy.

Requests for tenant information must be in writing and may be a part of or accompany the RFTA, or may be contained in a letter or other form created by the property owner, agent, or tenant. The RAA will not provide the owner with other information about the family. The owner is responsible for screening tenants.

In certain types of admissions, such as domestic violence or witness protection, the RAA must exercise caution and discretion in the release of this information.

An RAA must provide a copy of this policy to all owners with the RFTA. This policy must be provided in writing to applicants at the briefing session

4.3.3.1.1 *Owner Access to Criminal Records and Sex Offender Information*

See 24 CFR 5.903 (d) and 5.905 (b).

4.3.3.2 To Law Enforcement Officials

In accordance with 42 U.S.C. Section 1437z an RAA shall furnish any Federal, State, or local law enforcement officer, upon the request of the officer, with the current address and Social Security number of any recipient of Section 8 assistance, if the officer:

- 1) Furnishes the RAA with the name of the recipient; and
- 2) Notifies the agency that:
 - (A) Such recipient: i) is fleeing to avoid prosecution, or custody or confinement, after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which in the case of the State of NJ, is a high misdemeanor under the laws of such State; or ii) is violating a condition of probation or parole imposed under Federal or State law; or iii) has information that is necessary for the officer to conduct the officer's official duties;
 - (B) The location or apprehension of the recipient is within such officer's official duties; and
 - (C) The request is made in the proper exercise of the officer's official duties.

4.3.4 Renting to Relatives

The RAA must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister or brother of any member of the family unless the RAA determines that approving the unit would provide a reasonable accommodation for a family member who is a person with disabilities.

This prohibition applies to new admissions and to moves with continued assistance; therefore, leases between such relatives with an effective date of May 8, 1998 or earlier are "grandfathered".

The required language is now contained in the RFTA provided by HUD, dated 7/2000.

4.3.4.1 Conflict of Interest

In an instance where a participant is renting from a family member, and the participant has been given power of attorney for that family member to handle matters surrounding the property, then it is not appropriate for the participant to have a Section 8 subsidy in that unit. The RAA should inform the participant that they must move to

another unit or give up the power of attorney at least as it relates to real estate matters surrounding the unit.

4.3.5 Form of Lease

HUD requires that owners use their own form of lease. HUD requires a written lease even if the owner does not normally use a written lease. The RAA may offer a form of lease that the owner may choose to use as his “standard form of lease”. However, the RAA may never require an owner to use its suggested form of lease.

4.3.6 Initial Term of Lease*

An RAA may not approve a lease with an initial term of less than one year unless the household would otherwise be unable to find housing and lose their subsidy. A lease should be a minimum of 6 months in these cases.

4.3.7 Initial Rent Burden Limit of 40%

The 40% rent burden limit is only applied at the initial leasing of a unit. At initial lease-up and where the gross rent of the unit exceeds the APS the RAA must make a determination that the family share does not exceed 40% of the family’s adjusted monthly income.

Family share is the amount that the family pays toward rent and utilities. The terms “family share” and “total family contribution”(used on the HUD form 50058) are the same.

If an applicant has no income at initial lease-up the gross rent for the unit cannot exceed the payment standard.

This rule also applies to a family that wishes to lease-up in the same unit that they were already occupying at the time of admission.

HUD is unable to waive this 40% limit; however; they are able to approve an increased payment standard up to 120% of the FMR. Requests for HUD approval of a payment standard over this amount must be made through DHCD to HUD’s D.C office.

4.4 RAA-Owned Units

The RAA must inform the family, both orally and in writing, that the family has the right to select any eligible unit available for lease, and a PHA unit is freely selected by the family without any pressuring or steering. HUD approval of initial contract rent is no longer required.

The RAA must obtain the services of an independent entity to:

- Determine rent reasonableness

- Assist the family negotiate the rent to owner
- Inspect the unit for compliance with HQS and communicate the results to both the RAA and the family.

HUD must approve the independent agency. The independent agency may be another RAA or PHA. The RAA may compensate the independent agency from its ongoing administrative fee income.

RAAs receive a reduced administrative fee for these units. Transferring participants to a PHA and creating a billing situation is not acceptable.

For more information see 24 CFR 982.352(b)

Sample Section 8 HCVP Participant Suspension Contract

I, _____, Section 8 Participant, request that _____ [insert RAA name] suspend my program participation commencing _____, 20__. I understand that I must comply with the following conditions or the suspension will be cancelled and my voucher will expire within _____ days after such cancellation.

I understand that commencing _____, 20__, my program participation will be suspended until _____, 20__. I understand that at any time during this period I may notify _____, [insert title of agency contact] in writing, that I wish to resume program participation. Once notified, [insert RAA name] will place me "on the clock". I will be issued a Voucher that will give me 60 days to sign a lease for a new unit. If I am unable to find a unit within 60 days I may request a 60-day extension. I will have a total of 120 days to locate a unit and to sign a lease and contract.

I understand that I must notify [insert RAA name] within 7 days of either completing or withdrawing from the treatment program that I plan to attend. I have notified _____ [insert RAA name] that _____ [name of contact] at _____ [enter program location] is the contact person for me. However, it is my responsibility to contact [insert RAA name] with any change in my status.

If I have not contacted [insert RAA name] within 7 days of completing or withdrawing from the treatment program or by _____, 20__, whichever date comes first, I understand that I will be placed on the clock as of the applicable date with _____ days remaining until my voucher expires.

I understand that at the time I request that my Voucher become active, that I must provide to _____ [insert RAA name] documentation regarding the status of my household composition, i.e. letters from DSS or other applicable agencies so that I may be issued a Voucher for the appropriate bedroom size.

All notices with respect to my HCVP voucher participation shall be sent to the following contact address:

I can change this contact address, but any change must be in writing. I understand that if I do not respond to notices sent to me at my contact address, my program participation will be reactivated and my voucher may expire before I find an acceptable unit. I have read and understand the above conditions:

Name _____ Date _____

5 Voucher Payment Standards*

5.1 Establishing and Revising Payment Standards

DHCD's payment standards are presently established by region, between 100-110% of the published FMR or at the HUD approved exception payment standard (up to 120% of the FMR) whichever is higher. Generally, DHCD's payment standards are set at 110% of the FMR for central and eastern Massachusetts, and at 100% of the FMR for western Massachusetts. DHCD's payment standard schedule automatically changes when the FMR changes or if HUD approves exception payment standards for a community. RAAs will have a copy of DHCD's statewide payment standards schedule currently in effect and must provide copies to any interested party upon request.

Before changing the percentage of FMR on which the payment standard is based, DHCD will consider the ability of applicants and participants to obtain decent, affordable housing given the 40% initial rent burden limit, current market conditions, vacancy rates, and other market factors.

5.1.1 Effective Date

New payment standards must be applied as of the effective date established by HUD or DHCD. However, if the effective date is in the middle of a month then the *operative date* will be no later than the first of the following month.

5.1.2 Exception Payment Standards

Exception payment standards are limited to 120% of the current FMR. Where HUD has granted an exception payment standard for a community it will remain in effect until rescinded or changed by HUD in accordance with Notice PIH 2000-46.

An RAA may grant an exception payment standard between 100%-110% of FMR when required as a reasonable accommodation for a family that includes a member with disabilities. Before the RAA may approve the exception payment standard the following actions must have occurred.

- Documentation of need for reasonable accommodation has been provided.
- RFTA has been submitted.
- The gross rent must be determined to be reasonable; therefore, the unit must have been inspected but not necessarily have passed inspection.

The HUD field office may grant an exception payment standard between 110%-120% of the FMR when required as a reasonable accommodation for a family that includes a member with disabilities. Before DHCD will submit such a request to HUD on behalf of the RAA the following actions must have occurred:

- Documentation of need for reasonable accommodation has been provided.
- RFTA has been submitted.
- The gross rent must be determined to be reasonable; therefore, the unit must have been inspected but not necessarily have passed inspection.

For reasonable accommodation cases, a request for an exception payment standard over 120% of the FMR may be submitted to HUD. Requests that exceed 120% of the FMR must be submitted through DHCD to HUD's Washington D.C. office.

5.2 Payment Standard for a Family

The payment standard is the lower of:

- The payment standard amount for the family unit size; or,
- The payment standard amount for the size of the dwelling unit rented by the family; or,
- The gross rent for the unit.

Example: A 6-person family is issued a 3BR voucher and rents a 2BR apartment, choosing to use the living area as a bedroom. The lower of the 2BR payment standard or gross rent must be used.

If the family rents a 4BR unit the lower of the 3BR payment standard or gross rent must be used.

5.2.1 Changes in the Payment Standard

The payment standard that is applied to a family may be changed only at regular reexamination or when a family moves, as follows:

5.2.1.1 Increase in Payment Standard

If the payment standard amount is increased during the term of the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's first annual reexamination on or after the effective date of the increase in the payment standard amount.

5.2.1.2 Decrease in Payment Standard

If the payment standard amount is decreased during the term of the HAP contract, the PHA must determine the payment standard for the family as follows:

At the first annual reexamination the RAA must determine the payment standard for the family, then compare that amount to the payment standard amount last used to calculate the monthly housing assistance payment for the family. The higher of these two amounts shall be used until the second annual reexamination following the decrease in the payment standard amount. The RAA must advise the family that the reduction in the payment standard amount will be deferred until the second annual reexamination following the decrease.

5.2.1.3 Change in Family Size or Composition

If there is a change in family size or composition, the payment standard is changed at the next regular annual reexamination.

5.2.1.4 Family Moves:

When a family moves to another unit, the RAA must apply a different payment standard if one of the following circumstances applies:

- If the payment standard has increased or decreased, the new payment standard is used.
- If DHCD has adopted new occupancy standards, the payment standard for the appropriate unit size under the new occupancy standard is used.
- If the family's size or composition has changed the payment standard for the appropriate unit size is used.

A family may request a redetermination of the housing assistance payment at any time, based on a change in the family's income, adjusted income, size or composition. Redetermination of the housing assistance payment as a result of an interim reexamination for these reasons does not affect the payment standard applicable to the family if the family remains in place.

A voucher participant receives a utility reimbursement only if the family pays some or all of its utilities, the applicable payment standard is the gross rent, and the rent to the owner is less than the housing assistance payment. See also section 8.5.

6 Rent Reasonableness Determinations

Each RAA must develop a procedure for making rent reasonableness determinations in accordance with HUD regulations and SEMAP.

6.1 Requirement to Conduct Rent Reasonableness Determination

The comparability of rent levels for rent reasonableness must be analyzed when determining:

- The initial rent to an owner at the beginning of a HAP contract period;
- The increase in rent to an owner following a proper offer of a new lease term with a voucher.
- When at the HAP contract anniversary there is a 5% or greater decrease in the published FMR in effect 60 days prior to the HAP anniversary date.

The RAA may redetermine rent reasonableness in its discretion at any time for any units pursuant to HUD Reg. 982.507(a)(3).

The rent reasonableness requirement exists with Sec. 8 Mod Rehab units as well, with the qualification that it is limited to the AAF and generally it is applied at the HAP anniversary date and it takes into account “the initial difference” of the initial HAP contract rent.

6.2 Relationship to HUD Fair Market Rent (FMR)

The FMR is not an explicit measurement in the rent reasonableness determination. The RAA must not include the FMR figure in any grade *and/or* point value calculation used in its formula for a rent reasonableness determination. Moreover, even if there is an apparent substantial decline in the local unassisted market rents, signaled by a fall in the FMR, the rent to owner for the particular assisted unit is not reduced unless the comparability analysis shows that the current unit rent exceeds the rent for comparable unassisted units.

6.3 Elements of an Acceptable Rent Reasonableness Procedure

The RAA must incorporate a grade *and/or* point value leading to a rental value for the unit leased or to be leased (the “contract unit”) in a format that considers the nine SEMAP criteria. The SEMAP criteria in broad categories are: (1) Location; (2) Quality; (3) Size; (4) Housing Type; (5) Age of Unit; (6) Amenities provided by Owner; (7) Housing Services/Facilities supplied by Owner; (8) Maintenance and Management Services provided by Owner; and (9) Owner-provided Utilities.

The purpose of examining comparative rents is to approve only those contract rents that reasonably reflect the characteristics of the Section 8 contract unit and the valuation of comparable units in the private, unassisted market. A dollar range must be uniformly factored into the analysis. The valuation of comparables may be conducted on a pragmatic basis that accounts for limited accessibility to information on the characteristics of unassisted units to be used as a comp (for example, unit quality and amenities/services provided by the owner). The RAA must maintain a written description of the methods and forms for valuation of comparables in a “documentation file/binder” to be made available for all monitoring visits, reviews, audits and inquiries by DHCD, HUD or independent auditors.

An RAA can utilize all nine SEMAP criteria in composite upon which information is available to obtain a grade *and/or* raw point value score to complete the rent reasonableness determination. HUD does not specifically define the nine SEMAP rent reasonableness criteria nor provide a model framework for determining rent reasonableness. DHCD seeks to promote maximum flexibility for RAA’s rent reasonableness procedures

6.4 Updating of Comparables

RAAs must use comparable rents that are less than one year old and maintain records of comps in an orderly manner. The documentation of these comparables can be either a RAA-updated database composed with consideration of reasonably available unit characteristics or a listing of specific units detailed in the tenant file. Using either of these sources of comps as a guide, the RAA should value units so that the determination of reasonable rent rationally reflects the characteristics of the contract unit and the valuation of comparable unassisted units.

6.5 Owner Challenge to Rent Reasonableness Determination

If an owner disputes the reasonableness of the offered rent level, the owner can prove that a higher rent is reasonable by submitting documentation such as current leases for other unassisted units subject to evaluation under the nine criteria established by SEMAP for rent reasonableness. An RAA does not need to accept information submitted by an owner that cannot be verified as accurate or genuine. The burden of proof is on the owner to establish comparability. An RAA will in its discretion determine the measure of acceptable documentation. For example, a current lease executed by the owner within the past six months is the best documentation that an owner can provide. With respect to verifying rent made by unsubsidized tenants-at-will (with no written lease) the RAA may request that the owner obtain a certified copy of the federal income tax Schedule E for rental income in the most recent year. Up to three units can be entered on Schedule E. For owners with multiple units the owner may submit a verified statement by a tax preparer to document the rent paid on a particular unit.

6.6 Requirement of Tenant File Documentation

Rent Reasonableness is a weighty factor in SEMAP. The HUD method for scoring this indicator under SEMAP places primary emphasis on the results of each agency's supervisory quality control reviews of unbiased file samples. Consequently, the file audits conducted occupy a pivotal place in this process and a premium must be placed on consistency of file maintenance in order to enhance the chances of attaining the highest possible SEMAP score for Rent Reasonableness. Furthermore, the HUD framework for SEMAP retains the independent agency annual audit report as the decisive method of review to verify SEMAP ratings where HUD exercises its option to question the accuracy of any SEMAP scoring. Accordingly, all tenant files with determinations of rent reasonableness must contain a completed **“DHCD SUMMARY FOR RENT REASONABLENESS”** Form.

6.7 Retention of Records

The RAA must keep past records to document the basis for each rent reasonableness determination. In the tenant-based programs, the required rent reasonableness comparability determination must be kept for at least three years.

6.8 Contract Unit with Other Subsidies

In accordance with HUD Reg. 982.521, the RAA must also consider whether the contract unit is receiving other subsidies. These units may be subject to pertinent limits in addition to rent reasonableness.

6.9 Rent Increases in Subsidized Buildings

In all cases the requested rent must meet the RAA's rent reasonableness test. Historically these subsidized units have rented below the published FMR with the result that a PHA had no issues around adhering to the HUD approved rent schedules. However, in some recent cases the approved rents have exceeded the published FMR and in those instances the HA must treat the request in exactly the same way as any other owner request for an exception rent.

The owner must operate within the regulatory parameters of the building subsidy type and the Section 8 voucher regulations for in-place voucher tenants.

6.10 Project Based Vouchers (PBV) Program

During the term of a HAP contract, PBV rents must be reasonable. The RAA must redetermine that the current rent to owner is reasonable at least annually during the HAP contract term (983.256).

For project-based vouchers with an AHAP executed prior to January 16, 2001, the RAA must use a standard HUD form (HUD 92273) to document comparability of the initial rent and adjusted rent. A separate Form 92273 must be prepared for each unit type in the PBV project. For determination of rent during the term of a PBV HAP contract, the RAA is not required to use a State-certified appraiser. The comparability study may be prepared by HA staff or by another qualified person. For more information see 24 CFR 983.254.

7 Special Housing Types*

DHCD will not permit the use of any special housing types other than those listed here.

Except for shared housing, cooperative housing, manufactured homes, and SRO units, the use of these special housing types is only permitted if it is needed as a reasonable accommodation to make the program readily accessible to and usable by persons with disabilities. The applicant is required to provide verification from a knowledgeable professional as to how the special housing type requested provides the accommodation that the person needs.

7.1 Shared Housing

HUD defines shared housing as a unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each family.

A voucher may be used in shared housing in accordance with 24 CFR 982.615-618. Shared housing permits the assisted family to share a unit with one or more assisted, or unassisted families. Zero and one-bedroom units are not eligible for shared housing assistance.

The owner of a shared housing unit may live in the unit with the assisted family and enter into a HAP contract with the RAA provided that there is no blood, marital, or domestic partnership ties between the owner and the assisted family. Under no circumstances may housing assistance payments be made on behalf of an owner. The PHA may approve a live-in aide in shared housing and must approve one if a disabled family member needs a reasonable accommodation to readily access and use the program.

There must be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

The entire unit must pass HQS and additional DHCD inspection standards and provide adequate space and security, for all its residents, not just for the assisted family. There must be at least one private bedroom for each two members of the assisted family and the number of bedrooms may not be less than the family unit size. In addition to the private space for the assisted family, the unit must have a living room, sanitary facilities in accordance with 982.401(b) and food preparation and refuse disposal facilities in accordance with 982.401(c).

The rent to owner may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit.

The payment standard for a family residing in a shared housing unit is the lower of:

1. The payment standard amount for the family unit size, or
2. The pro-rata share of the payment standard amount for the entire unit size.

Pro-rata share means the number of bedrooms for the private use of the assisted family divided by the total number of bedrooms in the unit. For instance, if the family required and had private use of three bedrooms in a five-bedroom unit, then its payment standard would be the lower of:

1. The 3Br payment standard; or
2. Three-fifths of the 5Br payment standard, or
3. Three-fifths of the gross rent.

The utility allowance is the pro-rata portion of the utility allowance for the shared housing unit.

Only the assisted family gross income is used to determine the TTP. The TTP is subtracted from the payment standard, as determined above, to determine the maximum HAP. If the maximum HAP exceeds the pro-rata share of rent to owner, the family may receive up to the difference as a pro-rata tenant-paid utility allowance.

Two or more assisted families may enter into a shared housing arrangement provided that each family has private use of its family unit size number of bedrooms. The vouchers do not have to have been issued by the same RAA or HA provided that the owner is willing to meet the contract obligations of both agencies. In the event that the agencies agree to conduct a single annual inspection then the RAA must conduct the single inspection.

7.2 Cooperative Housing

HUD defines a cooperative as housing owned by a corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in the management of the housing.

A voucher may be used in cooperative housing in accordance with 24 CFR 982.619.

The initial contract rent will be the monthly carrying charges under the Lease/Occupancy Agreement between the cooperative members and is subject to the payment standard limitations. The carrying charges consist of the member's proportionate share of the debt service, operating expenses and necessary payments to the reserve funds of the cooperative. Monthly carrying charges cannot include down payment or loan repayments to purchase membership shares. To assure compliance with Section 8 requirements, the following provision will be added to the Housing Assistance Payments (HAP) Contract:

7.3 Manufactured Home

HUD defines manufactured home as a manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets HQS as well as the following additional requirements.

- The manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.

- A tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding must securely anchor the manufactured home.

A voucher may be used in a manufactured home in accordance with 24 CFR 982.620-624.

The payment standard for the space only is the lower of the space rent or 40% of the 2BR FMR.

Space rent is the sum of the following as determined by the PHA:

- 1) Rent to owner for the manufactured home space;
- 2) Owner maintenance and management charges for the space;
- 3) The utility allowance for tenant paid utilities.

RAAs must use form HUD-52642, the Housing Assistance Payments Contract and form HUD-52642-A, the Tenancy Addendum for Manufactured Home Space Rentals.

7.4 Single Room Occupancy (SRO) Housing

HUD defines single room occupancy housing as a unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities.

A voucher may be used in SRO housing in accordance with 24 CFR 982.602-605.

A Section 8 voucher may not be used in an SRO unit that is subsidized under the Section 8 Moderate Rehabilitation Program or the Shelter Plus Care Program.

A separate lease and HAP contract must be used for each assisted person residing in an SRO.

The payment standard is the lower of the rent to owner or 75% of the zero bedroom payment standard schedule.

The utility allowance is 75% of the zero bedroom utility allowance.

7.5 Group Homes

For information regarding the eligibility of an applicant living in a group home see Section 3.

HUD defines a group home as a dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

A voucher may be used in a group home in accordance with 24 CFR 982.610-614 provided its use will make a difference to the individual; e.g., enable the applicant to change and improve their housing situation.

An applicant residing in a group home may not use a voucher to lease in-place if the primary change for the applicant would be in the state or federal agency that is paying for his housing assistance.

A separate lease and HAP contract must be used for each assisted person.

The rent to owner may not exceed the pro-rata portion of the reasonable rent for the group home, i.e., dividing the number of persons in the assisted household by the total number of residents residing in the group home.

If the applicant will have private facilities, such as a private bedroom and sanitary facilities, the family unit size is one; otherwise the family unit size is zero.

The payment standard is the lower of:

1. The payment standard amount or
2. The pro-rata portion of the payment standard amount on the PHA payment standard schedule for the group home size.

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

7.6 Congregate Housing

HUD defines congregate housing as housing for elderly persons or persons with disabilities that meets the HQS for congregate housing.

A voucher may be used in congregate housing in accordance with 24 CFR 982.606-609 provided its use will make a difference to the individual; e.g., enable the applicant to change and improve their housing situation.

An applicant residing in congregate housing may not use a voucher to lease in-place if the primary change for the applicant would be in the state or federal agency that is paying for his housing assistance.

A separate lease and HAP contract must be used for each assisted family.

The payment standard is the zero-bedroom payment standard amount or zero-bedroom exception payment standard amount, if any. If there are two or more rooms in the unit, not including kitchen or sanitary facilities, the payment standard is the one bedroom payment standard amount.

7.7 Assisted Living Facilities

HUD defines an assisted living facility as a facility designed for residents who have the physical ability to live independently but need assistance with some activities of daily living, such as personal care, transportation, meals, nursing care, laundry, medication monitoring, security, and housekeeping. A public, proprietary or private nonprofit corporation or association may own an assisted living facility.

A voucher may be used in assisted living facilities in accordance with HUD Notice PIH 2000-41(HA) provided its use will make a difference to the individual; e.g., enable the applicant to change and improve their housing situation.

An applicant residing in an assisted living facility may not use a voucher to lease in-place if the primary change for the applicant would be in the state or federal agency that is paying for his housing assistance.

8 Annual and Ongoing Functions

8.1 Annual Reexamination

An RAA must conduct an annual reexamination of family income, size and composition. Adjustments must be made to reflect any changes in the total tenant payment, tenant rent share, and housing assistance payment. The unit will also be inspected at reexamination.

Reexamination activities should begin 90-120 days prior to the anniversary date of the lease and contract. Both the owner and tenant must be notified of their responsibilities during the reexamination process.

A reexamination for every family must take effect within a 12-month period. Typically, the anniversary date of the HAP contract is used as the reexamination date.

8.2 Interim Redetermination of Family Income and Composition*

An RAA must conduct an interim redetermination:

- 1) When notified of a change in family composition.
- 2) If any of the following apply at initial, annual, or interim reexamination:
 - If a family reports zero income (see section 3.3.2); or,
 - If a family member reports they are temporarily employed; or
 - If a family member's unemployment benefits will be expiring within the next year. *Although this will usually result in a decrease in income, it may also result in the family member finding employment.*
 - If a family adds a new household member that has income.

An RAA may require regularly scheduled interim redeterminations if there is evidence of an unstable income flow.

Except as stated above, an RAA is not required to conduct an interim redetermination for each reported increase in income but may wait until the next annual reexamination. However, at its discretion the RAA may choose to conduct an interim reexamination in instances where the circumstances warrant it; e.g., the reported increase in income would cause the HAP payment to be reduced to zero.

FSS participants must be given the option to complete an interim reexamination for an increase in income (thereby increasing the escrow account), or waiting until the next annual reexamination.

8.2.1 Family Reporting Requirements

8.2.1.1 Changes in Family Composition

A participant family must notify the RAA in writing of any change in family composition within 30 days of the change. Changes in family composition may affect the family's income, HQS, and/or lease agreement. When the change is the addition of a household member, other than by birth, adoption, or court-ordered custody,

approval must be obtained from both the property owner and the RAA before the additional household members may be added to the lease.

8.2.1.2 Changes in Family Income

A participant family must notify the RAA in writing of any increase or decrease in income within 30 days of the change. If an interim redetermination is not required, this information should be placed in the participant file and reviewed at the renewal of the tenancy.

8.2.1.2.1 *Income Changes Resulting From Welfare Program Requirement*

This section is not applicable to the Section 8 PBV and moderate rehabilitation programs.

An RAA may not reduce a family's rental contribution if the family's welfare assistance is reduced, as determined by the welfare agency, because of:

- a) Fraud by a family member in connection with the welfare program, or
- b) A welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program (not FSS) or work activities requirement.

An RAA may reduce a family's rental contribution if the family's welfare assistance is reduced due to:

- The expiration of a time limit on receiving benefits; or
- A situation where the family has complied with welfare program requirements but cannot obtain employment; or
- The family has not complied with other welfare agency requirements.

Any RAA that receives a request for income reexamination and rent reduction based on a reduction in tenant income from welfare must request the welfare agency to provide:

- The amount and term of the reduction,
- The reason for the reduction,
- Subsequent changes in term or amount of reduction.

The RAA will use this information to determine the amount of imputed welfare income for the family. *Imputed welfare income* is income not actually received by the family due to a specified welfare benefit reduction, but is included in the family's income to calculate rental contribution.

Imputed welfare income is offset by the amount of additional income the family receives that starts after the sanction is imposed. If the family begins to receive income from another source after the specified reduction is implemented, this new income offsets the specified reduction dollar for dollar up to the full amount of the specified reduction. This means that for every dollar of new income after the specified

reduction, you do reduce the benefit amount by a dollar, down to the actual amount of the reduced grant.

It is not the RAA's responsibility to determine if the welfare agency correctly determined the welfare reduction.

The RAA may deny the family's request only after obtaining written verification from the welfare agency that the family's benefits have been reduced due to items (a) or (b) above.

The RAA must provide a written notice of denial including an explanation of the basis for its determination of imputed welfare income and informing the family of its right to an informal hearing

RAAs are to make best efforts to enter into cooperation agreements with local welfare agencies, both to obtain the necessary information regarding welfare sanctions and to target economic self-sufficiency and other appropriate services to Section 8 subsidy holders.

Imputed welfare income does not apply to income calculations for purposes of admission to the program (including the determination of income eligibility); it applies only to program participants.

For more information see 24 CFR 5.615.

8.2.1.2.2 *Disallowance of Earned Income*

An RAA may disregard certain increases in earned income to persons with disabilities as follows.

A "qualified family" is a family with any adult member with a disability whose annual income increases:

- a) As a result of employment of a disabled family member and who was previously unemployed for one or more years prior to employment; or who earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.
- b) As a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- c) During or within six months of the disabled member's receipt of TANF or Welfare to Work benefits. (In the case of a TANF one-time benefit, wage subsidy, or transportation assistance, the total amount of the benefit for the six-month period must equal at least \$500).

Term of Disallowance

The disallowance is limited to a lifetime 48-month period starting from the date of initial exclusion. The initial disallowance is for 12 cumulative months at 100%, then for 12 cumulative months at 50%. The 24-month disallowance must be used within 48 months.

If there is more than one household member that meets the above qualifications, each one is eligible for the disallowance.

Implementation

Whether the increase is reported to the RAA by the family immediately, or is discovered at a later date, the initial 12-month disallowance period starts on the first of the month following the first full month after the increase is earned. Because it is only the increase in family income that is disallowed only the difference between the two amounts is disallowed even if the pre-increase income is lost.

Example: A disabled individual is receiving SSI benefits in the amount of \$600 a month for one or more years and then becomes employed at \$1200 a month and as a result loses the SSI benefit. During the next 12-months, effective as described above, \$600 of the earnings would continue to be used in TTP calculations and the other \$600, the difference between pre and post employment, would be 100% disallowed. At the end of that initial 12-month period, \$300, or more if there has been a pay-raise, would be disallowed for the next 12-months, i.e., 50% of the increased earnings over the pre-employment benefit. If there were a pay-raise in the second 12-month disallowance period, half of it would be included in the TTP calculation.

If this same individual had been living on disabled veterans' benefits prior to employment, which were unaffected by his gaining employment, all \$1200 of the increased earnings would be disallowed in the first 12 months and \$600, or more if there were a pay-raise, in the second 12 months.

In the case of a family that receives TANF benefits (or that received TANF during the prior six months), the eligible disabled member with increased earnings does not have to be the same one as was/is receiving TANF benefits in order to be eligible for the disallowance. A TANF family that is subject to a specified sanction has the full amount of the benefit included in TTP calculations during disallowance except that another family member with earnings that begin after the sanction is imposed and who is ineligible for mandatory disallowance can offset the sanction dollar for dollar.

Although DHCD does not ordinarily conduct interim recertifications, unless the effective date of a disallowance coincides with the annual lease anniversary or admission date, then families eligible for this increased earned income disallowance will be subject to interims until they have received the 24-month disallowance or until 48 months have passed since the initial disallowance, whichever comes first.

Applicability to Program Admission

The disallowance of increases in income does not apply for purposes of admission to the program (including the determination of income eligibility). It is only applicable to TTP calculations.

8.2.2 Effective Date of Change

Changes in the HAP because of an interim determination will be applied as follows. Any change resulting in a decrease in the tenant share is effective the 1st of the month following the month in which the change was reported

For any change resulting in an increase in the tenant share the participant must be given a full calendar month's notice of the impending change

Families and owners must be notified in writing of the results of the reexamination and the effective date of the change.

8.3 Rent Adjustments

8.3.1 HCVP Program

Annual rent adjustments are negotiated between the owner and the family. However, the RAA must make a determination of rent reasonableness before any increase in the rent to owner; see also Section 6 Rent Reasonableness Determinations.

The RAA must also redetermine the reasonable rent if there is a 5% decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

8.3.2 Project-Based Vouchers

Owner requests for rent increases must be received by the RAA at least 120 days before the HAP contract anniversary date. The request must ask for an increase and for a comparability study by the RAA. For more information see 24 CFR 983.254

8.3.3 Special Adjustments for Project-Based Vouchers

Subject to HUD approval, special adjustments may be granted to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates or similar costs (i.e., assessments, and utilities not covered by regulated rates) but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments.

The Owner must submit financial statements to the RAA that clearly support the increase. The owner must show that a requested adjustment is appropriate to cover increases in actual and necessary costs for eligible cost items. The rule does not

specify any particular format or procedure for documenting this fact. HUD must approve all special adjustments.

8.4 Family Moves*

If a participant wants to move to another unit outside the area served by the RAA, the participant must be given Attachment 3-E.

If a participant wants to withdraw from the Section 8 program (i.e., give up his/her subsidy), the participant must be given Attachment 3-E. If the participant withdraws from the Section 8 program, the participant must be given a standard termination notice.

Use by RAAs of Attachment 3-E will be in addition to, and not be a substitute for, compliance with any other notice requirements contained in state or federal law or regulations governing administration of the Section 8 program; e.g. the explanation of portability as described in HUD notice 94-12.

An RAA may restrict the number of moves by a participant family to one per year in instances where the RAA is able to establish a pattern of frequent moves without good cause.

Refer to Section 3.8, Subsidy Standards for appropriate subsidy size to be issued when a family moves.

8.4.1 Restrictions on Portability

In accordance with 982.353(b) an RAA may not provide portability assistance if the family has moved out of its assisted unit in violation of the lease. The RAA may make exceptions where the move was the direct result of a domestic violence situation the circumstances of which can be verified.

8.4.2 Transfers between RAAs and PHAs

Participant transfers between RAAs must be absorbed by the receiving agency if subsidy is available and must be absorbed before transfers from an out-of-state PHA. An RAA may not absorb transfers from a Massachusetts PHA unless approved by DHCD.

DHCD will not accept transfers from Massachusetts PHAs under the provisions of statutory and regulatory portability, when the PHA in the community to which the tenant wishes to move administers a Section 8 program. Exceptions for special circumstances such as conflict of interest or reasonable accommodation issues must be approved by DHCD.

Without exception, DHCD will not accept transfers from Massachusetts PHAs under the provisions of statutory and regulatory portability, when the LHA in the community to which the tenant wishes to move administers a Section 8 program and the transfer family has been rejected by that LHA as the result of a CORI. See also section 3.3.5

Transfer tenants absorbed by the receiving agency do not count toward that agency's 10% exception authority.

See section 3.3.5 regarding the right of the receiving agency to perform a CORI.

8.4.3 Special Program Transfers

The transfer policy for special programs varies by program. A special program transfer from an RAA may only be absorbed using a similarly designated subsidy. If a similarly designated subsidy is not available, specific program transfer policies are articulated in sections 18-30.

8.5 Utility Allowance

Updated utility allowances and back-up documentation are due at DHCD each year by June 30th. Submission by June 30th ensures that the RAA will be able to utilize these amounts for their October 1st reexaminations. DHCD approval of utility allowance schedules is not required prior to implementation.

On an annual basis each RAA must obtain current rate information from the local utility companies and apply this information to the most current consumption data provided by DHCD to insure that families are receiving an adequate utility allowance. If there is a 10% or more change in the utility rate since the last revision, the RAA must revise the utility allowance schedules. The utility allowance schedule must be prepared and submitted on HUD form-52667. The revised schedules and the utility survey information tables provided in Attachment 8-A must be submitted to DHCD each year by June 30th so that the revised schedules are ready to use beginning with October reexaminations. For the HUD-approved methodology used by DHCD for establishing the utility allowances see Attachment 8-B. When developing your schedules please note the following.

- Schedules must be based on unassisted rates.
- Do not apply the minimum monthly service charge to more than one category per fuel type as this may result in an inflated allowance. For electricity, the monthly service charge should be included in the General Electric category since that category will apply to all families where utilities are not included in the rent. For gas, prepare your charts without including the monthly service charge in any category but rather as a single add-in. When it has been determined what combination of gas utilities a tenant is responsible for, the minimum monthly service charge should be added in only once.

DHCD recognizes that consumption patterns and rates in particular may vary by region. Therefore, each RAA has the option of either using the consumption data established by DHCD or compiling its own data by surveying actual annual consumption within its area of operation. Any RAA that chooses to develop regional consumption data shall follow the procedure as described in HUD Handbook 7420.10G Chapter 18. RAAs with uncommon fuel types, such as kerosene or wood,

must develop its own consumption data for those fuel types in accordance with HUD procedures.

DHCD may approve utility allowances that have been developed for an RAA by an outside consultant.

8.5.1 Utility Allowances in Other Subsidized Housing

If the owner or management company does not ask an RAA to use a different utility allowance the RAA should use its own.

In SHARP, Teller, RDAL, tax credit, Section 236 or Section 231(d)(3) or any development on the most current MHFA “Housing List”, the RAA may use the utility allowance schedule of the local PHA or the building provided:

- The local PHA administers a Section 8 program
- The local PHA utility allowance is updated annually; and,
- The local PHA utility allowance schedule has been updated within the past year, or if it has not, the PHA has documented that it has completed a review of the schedule within the past year and it was not updated because the change was less than ten percent in any single category.

It is the Owner/Manager’s responsibility to obtain the required information from the local PHA and provide this information to the RAA.

In any instance where a subsidized building uses its own utility schedule, the owner/manager must provide the RAA with the effective date of the schedule in use, and the date of the last utility company survey. Because these schedules are based solely on usage specific to the project and bedroom size, the cost to the tenant may be significantly lower than that indicated by the RAA’s regionally set schedule.

In any instance where a subsidized building utility schedule is outdated, that schedule may still be used for setting the initial lease-up gross rent. For future annual reexaminations the RAA utility schedule will be used until such time as the RAA is provided with an updated schedule by the project owner/manager.

8.5.2 Determining Unit Size for Applying the Utility Allowance.

To apply the utility allowance properly, each RAA must ensure that there is appropriate and adequate communication between Inspectors and Program Representatives. Prior to the inspection, the family’s subsidy size must be conveyed to the inspector. The family’s subsidy size must be indicated on the RFLA. For more information on subsidy standards see Section 3.8.

Rooms other than the living room that must be used as bedrooms for a unit to meet HQS requirements must be counted as bedrooms for utility allowance purposes. Rooms used as bedrooms must meet bedroom criteria (see also Section 16) as follows:

- 70 square feet for one person and 50 square feet per person for two or more persons.

- One outlet and a permanently installed light or two outlets and no fixture
- A window.

As a result of getting approval from HUD to count only those rooms that are obviously bedrooms for utility allowance purposes, it is possible for the same unit to be designated differently based on family needs.

Example:

A 5-room unit consisting of a living room, dining room, kitchen and two bedrooms leased by a 2BR eligible family would be designated a 2BR for utility allowance purposes. However, if at a later date the family composition changes to 3BR eligible, the family may remain in place with a new lease and contract and have the unit designated as a 3BR unit for rent reasonableness and utility allowance purposes. This is because the dining room could be reclassified as a bedroom provided it meets HQS bedroom standards.

8.5.3 Direct Payment of Tenant Utilities

If the housing assistance payment exceeds the rent to owner, the RAA may pay the balance of the payment either to the family or directly to the utility supplier to pay the utility bill (984.514(b)).

DHCD suggests that RAAs utilize the option to pay the utility companies directly when the family has a history of non-compliance with HQS, due to non-payment of utilities.

8.5.4 Reasonable Accommodation

An RAA may approve a special higher utility allowance, on a case-by-case basis, as a reasonable accommodation for a disabled person (982.516(e)). An RAA may ask the applicant to verify through a qualified source that his condition warrants the higher allowance.

With regard to air conditioning, DHCD will provide a utility allowance for tenant paid air conditioning costs only upon receipt of verification that it is medically necessary.

8.6 Minimum Tenant Payment

DHCD requires that participants in its Section 8 program pay a minimum of \$25 towards rent.

8.6.1 Exceptions to Minimum Rent

DHCD establishes certain exceptions to the minimum rent requirements for hardship circumstances as follows:

- a) The family has lost eligibility and is awaiting an eligibility determination for a Federal, State or local assistance program;
- b) The family would be evicted as a result of the minimum rent requirement;
- c) The income of the family has decreased because of changed circumstances, including loss of employment;
- d) A death in the family has occurred.

Procedure to follow for families requesting a hardship exemption:

1. Family requests hardship exemption.
2. RAA suspends minimum rent payment beginning the month following the family's hardship request.
3. HAP payment is increased accordingly.
4. Within 90 days from the date of the family's request, the RAA determines whether or not hardship exists.
5. If determined that no covered hardship exists, the minimum rent is imposed retroactive to the time of suspension.
6. If hardship exists, RAA determines whether it is temporary or long term.
7. If determined that the hardship is temporary, the minimum rent may not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day suspension period, minimum rent is imposed retroactively to the time of suspension. A reasonable repayment agreement must be offered for any minimum rent back payment by the family.
8. If determined that the hardship is long term, the payment of minimum rent is exempted until the hardship no longer exists.

8.7 Family Self-Sufficiency Program

8.7.1 Purpose

Each RAA administering the Section 8 Housing Choice Voucher program will establish and operate the Family Self-Sufficiency (FSS) Program in accordance with HUD regulations. The mission of the FSS program is to assist enrolled families by maintaining an FSS Program which provides case management and peer support, coordinates with local resources and services needed by FSS participants, and offers concrete incentives, such as the FSS escrow account, to encourage families to set and achieve their short and long term goals toward employment and economic self-sufficiency. The size of each RAA's FSS Program will be established by DHCD, with the overall state-wide program size to reach or exceed the HUD-approved program size of 679 participants; this program size represents DHCD's commitment to maintain program size and universal accessibility even though QWHRA legislation passed in 1998 provides the option for PHAs to reduce their mandatory program size.

Each RAA will establish a coordinating committee representing local stakeholders and resource-providers to support the success of the program and its participants.

8.7.2 Outreach/Eligibility/Assessment/Enrollment

All families participating in the Section 8 Housing Choice Voucher program operated by the regional administering agencies (RAAs) under subcontract to DHCD are eligible to enroll in the FSS program administered by the RAA for their region of residency. Participants in DHCD's JOBLink Welfare to Work Housing Voucher Program are strongly encouraged to enroll in FSS to increase the supports and benefits available to the family. Each RAA will establish procedures to ensure that eligible families are informed about the program, offered the opportunity to enroll on a voluntary basis, offered a thorough family and employment development assessment, and assisted in identifying employment and other self-sufficiency goals for the five-year participation period.

8.7.3 FSS Contract of Participation and Individual Training and Service Plan

A family enrolls in the FSS Program, with all rights and responsibilities attached thereto, by entering into an FSS Contract of Participation with the RAA, by signing the Contract as set forth by the U.S. Department of Housing and Urban Development (HUD), and subject to all applicable regulations. As a required attachment to the FSS Contract of Participation, the family head of household also signs the FSS Individual Training and Service Plan (ITSP), using the HUD-approved format, which outlines the steps that the participant will take during the contract period to meet their goals and the program requirements of working toward, obtaining, and maintaining suitable employment and becoming independent of all forms of welfare assistance (as defined by HUD for the FSS program) at least twelve months prior to the end of their contract period. The FSS ITSP may be amended by mutual agreement between the participant and the FSS program, with such changes made in writing and signed, then becoming the required attachment to the FSS Contract of Participation. The FSS Program may assist other family members on an informal or formal basis, but they will not have an ITSP.

8.7.4 Program Benefits and Roles and Responsibilities

Each RAA will establish an FSS Escrow Account; with subsidiary ledgers to track FSS Escrow Account balances applicable to each participating family. FSS families are eligible for escrow account credits when the family's income increases due to increases in earned income that result in an increase in Total Tenant Payment (or, for voucher holders, an increase in the amount which is 30% of monthly adjusted income). Each annual or interim reexamination for an enrolled family will be examined to determine if the family will receive escrow credit. In keeping with all HUD regulations governing the FSS Escrow Account, the RAA will be responsible for depositing escrow credits and earned interest in proportion to the family's escrow balance on a regular basis, making interim disbursements to participants as appropriate, and providing account activity information to FSS participants.

FSS staff will provide technical assistance and support, information and referral, and program activities (such as workshops, peer groups meetings, recreational events, etc.) to participants throughout their FSS participation in order to assist the family in meeting their goals. It is to be expected that the types and level of assistance will vary over time, depending on each family's situation. The FSS Coordinator will establish program expectations around communication methods and frequency in order to maintain regular contact with participating families; beyond this, it is the role of the family to initiate contact if they feel that they need additional services, resources, or support.

In order to maintain good standing in the FSS Program, with all attending program benefits, the participating family must remain in compliance with all terms of the FSS Contract of Participation, which includes the ITSP and, as outlined in the FSS Contract of Participation, their residency lease. The RAA will establish procedures for addressing situations in which a family is not in compliance with the FSS Contract of Participation. Corrective actions could include termination of the family's FSS participation (including forfeiture of any escrow account). A family's participation in the Section 8 Housing Choice Voucher Program will not be terminated solely for failure to comply with the FSS Contract of Participation or FSS program requirements.

8.7.5 Relocating With FSS

As established in the FSS Contract of Participation, the family must live in Massachusetts at least twelve months from the effective date of the Contract. A family that is enrolled in the FSS Program through one RAA may relocate to another region within Massachusetts and immediately continue their participation and FSS Contract of Participation through the RAA in the new region throughout their contract period. A family that has resided in Massachusetts for at least one year after enrolling, and now seeks to relocate out-of-state may be eligible to transfer their FSS participation to the housing authority/agency in the new location, subject to the receiving authority's policies and in keeping with HUD regulations governing FSS participation transfers. FSS staff will assist the family in investigating their FSS options when considering a portability move in order that they family may make an informed choice at the time.

8.7.6 FSS Completion

An FSS family will successfully complete its participation, and be eligible to receive the amount in its FSS Escrow Account, less any amounts owed to the RAA or DHCD, when it has met the conditions established in the HUD FSS Program regulations. In most cases this will occur when the family is in good program standing, has come to the end of the contract period, and has met all goals outlined in the original or revised ITSP (including independence from welfare assistance for the prior twelve months). A family may request to be determined to have successfully completed their FSS participation prior to the end of their contract period, and if the RAA determines that they have met the requirements for successful completion they will be eligible to graduate and receive their escrow account funds.

In keeping with the FSS Program's goal to assist families over time, a family may receive post-graduation support from the FSS program if requested, subject to staff capacity and availability. A family may be eligible for re-enrollment in the FSS program, after successful or unsuccessful participation, with the RAA reserving the right to decline re-enrollment of a family that left or was terminated due to prior non-compliance.

9 Informal Hearings and Reviews*

9.1 General Requirements

The term “appeal”, as used herein, refers to both informal reviews and informal hearings. The terms “review” and “hearing” are used only when necessary to distinguish between the two.

Applicants and participants are provided an opportunity to present objections to certain RAA decisions through informal reviews and hearings. Depending on the decision they object to, an individual may be entitled to either a review or hearing. Generally “reviews” are for decisions pertaining to applicants while “hearings” are for decisions pertaining to participants.

Informal hearing provisions for the denial or termination of assistance on the basis of ineligible immigration status are contained in 24 CFR 5.514.

If a decision may be appealed, the RAA must give the family prompt written notice. The notice must state:

1. The reasons for the decision.
2. That if the family does not agree with the decision, it may request an appeal.
3. The procedure for the family to request an appeal.
4. The deadline for the family to request an appeal.

Each RAA must establish a reasonable process for objections to be received and considered. The review or hearing may be conducted by anyone designated by the RAA, other than a person who made or approved the original decision under review or his subordinate.

Once the appeal is scheduled, the family will have one opportunity to reschedule if they cannot attend. The RAA must be able to either rectify the situation or issue the subsidy to another eligible family.

Any extensions granted by the RAA for submitting additional materials relative to the appeal should be limited in duration.

When the aggrieved party notifies the RAA that he cannot attend the appeal, e.g., incarceration, the RAA must offer the appeal to be conducted either by mail or by proxy. The obligation to provide an incarcerated individual the opportunity for an appeal shall be considered to be met if the RAA provides the participant with an opportunity to send a designated proxy to the hearing or to conduct the appeal by mail. The RAA is not required to conduct the appeal at the site or to provide more than one extension of the hearing date.

9.2 Effective Date of Decision

All decisions regarding denial or termination of assistance are effective at the completion of the RAA appeal process. However, if a participant appeals a termination decision to DHCD, assistance to the participant shall continue during DHCD's appeal process. If DHCD upholds the termination, assistance will stop as of the date of the decision letter.

9.3 Informal Reviews

An informal review is required when an RAA denies an applicant:

- Preference status; or
- Admission to the Section 8 program.

Informal reviews may be conducted in writing; a meeting between the RAA representative and the aggrieved party is recommended, but not required.

The RAA will notify the applicant of its final decision after the informal review, including a brief statement of the reasons for the final decision. Informal review decisions made by the RAA are final and cannot be appealed to DHCD.

An informal review is NOT required for decisions concerning:

- Discretionary administrative determinations by the RAA;
- General policy issues or class grievances;
- A determination of the family unit size under the RAA's subsidy standards;
- An RAA determination to deny an extension or suspension of a subsidy's term; or when a subsidy expires;
- An RAA determination to deny a RFLA or to reject a proposed lease;
- An RAA determination that a unit does not comply with HQS; or,
- An RAA determination that the unit does not meet HUD's or DHCD's HQS because of the family size or composition.

9.4 Informal Hearing

An informal hearing must be offered to participants to consider whether certain RAA decisions relating to the individual circumstances of the family are in accordance with the law, HUD regulations and RAA policies.

For decisions regarding termination of assistance, the RAA must give the opportunity for an informal hearing before the RAA terminates housing assistance payments for the family. Only decisions regarding termination of assistance can be appealed to DHCD.

9.4.1 Informal Hearing Required

An informal hearing must be offered when the RAA makes a determination:

- To deny the family's request for an exception from the subsidy standards.
- To terminate assistance because of the family's action or failure to act.
- To terminate assistance because the family has been absent from the assisted unit for longer than the maximum period permitted under RAA policy.

In the following cases the RAA must notify the family that they may ask the RAA to explain its decision, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the RAA utility allowance schedule.
- A determination of the family unit size under the RAA subsidy standards.
- Discretionary administrative determinations by the RAA.

9.4.2 Informal Hearing Not Required

An informal hearing is NOT required for decisions concerning:

- General policy issues or class grievances;
- Establishment of the RAA schedule of utility allowances;
- An RAA determination to deny an extension or suspension of a subsidy's term; or when a subsidy expires;
- An RAA determination to deny a RFLA;
- An RAA determination that an assisted unit does not comply with HQS; (However, the RAA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family);
- An RAA determination that the unit does not comply with HQS because of the family size;
- A determination by the RAA to exercise or not to exercise any right or remedy against the owner under a HAP contract;

9.4.3 Procedure for Informal Hearings

This procedure must be followed by the RAA when conducting an informal hearing. This procedure is not mandatory for conducting an informal review; however, DHCD recommends that RAAs follow a similar procedure at all levels of appeal. Each agency may add to these procedures, with DHCD approval.

9.4.3.1 Notice Requirement

For any determination where an informal hearing must be offered (see section 9.4.1) the family must be given prompt written notice of the decision. The notice must contain the following information:

1. A brief statement of the reasons for the decision.
2. The issues involved in the RAA's decision.
3. The date the decision is effective.
4. The family's right to an informal hearing, or other available remedy.
5. How the family can request a hearing.
6. What time frame the family has to request a hearing (usually 10 working days from the date of mailing).
7. That if the family does not avail itself of the opportunity for an informal hearing at the RAA, it may not appeal a termination decision to DHCD.

A family that requests an informal hearing shall receive adequate notice of the time and place of the informal hearing. The notice shall contain:

1. A brief, but specific, statement of the reasons the informal hearing is being held.
2. A statement indicating that the decision of the RAA shall be based upon the evidence presented at the informal hearing, and that a family must bring with them to the hearing all documents on which it will rely and all witness who can offer relevant testimony;
3. A statement regarding the family's right to be represented by legal counsel at the hearing at its own expense.
4. A discussion of discovery rights - the opportunity for both the RAA and family to examine documents before the hearing.

The RAA must schedule the hearing in a reasonably expeditious manner; DHCD recommends 5-7 working days from receipt of the request.

Reasonable notice of the time and date of the hearing must be given to all parties concerned (3-5 working days before the hearing).

9.4.3.2 Discovery

The family must be given the opportunity to examine before the hearing any RAA documents that are directly relevant to the hearing. The family must be allowed to copy any such document at its expense. If the RAA does not make the document available for examination on request of the family the RAA may not rely on the document at the hearing.

The RAA must be given the opportunity to examine at the RAA offices before the hearing any family documents that are directly relevant to the hearing. The RAA must be allowed to copy any such document at the RAA's expense. If the family does not make the document available for examination on request of the RAA, the family may not rely on the document at the hearing.

For decisions regarding termination of assistance, the RAA must conduct the hearing prior to terminating assistance. The family may request one postponement of no more than a week after the original scheduled hearing date. More than a week may be granted in exceptional circumstances.

The RAA may implement the following changes prior to a hearing:

- Changes in TTP or tenant rent.
- Denial of a new voucher for a family that wants to move.
- Unit size determinations for a family that wants to move.

9.4.3.3 Other Persons Affected

Any person who can demonstrate that they may be substantially and specifically affected by the proceeding may be allowed to participate in the hearing, in whole or in part, or they may be allowed to present evidence, either orally or in writing. It is not the RAA's responsibility to determine if there may be anyone who meets this criterion. However, if someone, such as an owner, learns of the hearing on their own, and claims to have a vested interest in the outcome of the hearing, the RAA must determine if they qualify under this section. This claim must be made prior to the hearing so that the RAA has ample opportunity to consider the claim. Each agency should set a deadline for consideration of these claims, such as three working days before the hearing.

9.4.3.4 During the Hearing

All parties should be notified of all persons who will be attending the hearing.

At its own expense, the family may be represented by a lawyer or other representative at the hearing.

The RAA must designate a "hearing officer" who will conduct the informal hearings. The hearing officer may not be the person who made or approved the original decision under review or a subordinate of that person. The hearing officer may regulate the conduct of the hearing in accordance with the RAA hearing procedures.

9.4.3.5 Evidence

Both the family and the staff person(s) who made the decision being appealed may present evidence to the hearing officer. Each party may call witnesses, cross-examine witnesses, and submit rebuttal evidence. The hearing officer may consider only information presented at the hearing. The hearing officer may not request additional information that is not presented as evidence at the hearing.

At the beginning of the hearing, the hearing officer shall state the date and time, and list the alleged reasons for the decision being appealed. The RAA may change the order of witnesses; however, the recommended order of presenting is as follows:

1. The family
2. The staff person who made the original decision (or recommendation)
3. The staff person's supervisor, if involved

4. Rebuttal by family

DHCD requires that the hearings be tape-recorded and that fact shall be announced to all parties by the hearing officer at the beginning of the hearing. The family and/or their attorney may also record the proceedings, provided they so notify the hearing officer.

The RAA and the family must be given the opportunity to present relevant evidence, and question any witnesses. Evidence may be as oral testimony or written documents. If the RAA is relying on documents from the family's file, those documents must be presented as evidence at the informal hearing. At the conclusion of the hearing, each party shall be given the opportunity to make copies of the other party's written evidence. At the informal hearing the hearing officer need not follow the rules of evidence observed by courts. Evidence may be admitted if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs.

However, evidence covered by rules of privilege (for example, physician-patient, attorney-client, etc.) shall not be admissible if the holder of the privilege (that is, the patient or client, etc.) objects.

At the conclusion of the informal hearing, the RAA may hold the hearing open for a specific period of time for the purpose of receiving further documents. If the documents are not submitted by the specified time, the RAA may issue its decision.

9.4.3.6 Issuance of Decision

The hearing officer must issue a written decision within 10 working days of the hearing. The decision must be based only upon the evidence presented at the hearing.

All parties shall be notified in writing of the final decision. The RAA will send a copy of the decision to DHCD's Bureau of Federal Rental Assistance. If counsel represents the family, the RAA is only obligated to send notification to counsel. The notice shall state:

- The reasons for the decision, including a determination of each issue of fact or law necessary to the decision; and
- That the family has the right to appeal a termination decision to DHCD within 14 days of the date of the notice.

Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing.

An official record of the hearing must be made available to the family if they so request. The family must pay for any transcription of recordings before the agency will make the transcript available to the family.

Copies of all decisions the RAA overturns due to mitigating circumstances will be provided to DHCD. DHCD will review and periodically distribute information regarding these decisions to ensure consistency in decision-making among all RAAs.

9.4.3.7 Effect of Decision

The RAA is not bound by a hearing decision:

- Concerning a matter for which the RAA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the RAA hearing procedures;
- Contrary to HUD regulations or requirements, or otherwise contrary to federal, state, or local law.

If the RAA determines that it is not bound by a hearing decision, the RAA must promptly notify the family of the determination, and of the reasons for the determination.

9.5 Appeals to DHCD

Of the RAA determinations where an informal hearing must be offered, only decisions regarding termination of assistance may be appealed to DHCD. The HUD requirement for an informal hearing is considered satisfied at the RAA level.

When an RAA has completed the informal hearing process and has upheld the initial decision to terminate assistance, the decision letter must inform the family of its right to an appeal at DHCD.

The notice must state that DHCD's Bureau of Federal Rental Assistance must receive the appeal within 14 days from the date of the decision letter. Appeals not received within 14 days will not be accepted and will be returned to the sender.

Appeals received within the 14-day period will be forwarded to DHCD's Office of the Chief Counsel. DHCD's hearing officer will send a notice requesting that the RAA and the aggrieved party submit any written documentation that they would like to be considered in support of their position. The hearing officer will review all submitted materials and will make a decision after consideration of the facts presented. DHCD reserves the right to request that any written material be clarified. A written decision will be sent to both parties.

The outcome of any Section 8 appeal is dependent to a large extent on the individual circumstances of each case. However, this is particularly true with cases that involve allegations of domestic violence. For this reason, DHCD reserves the right, in domestic violence cases, to review all the circumstances of each case, including everything that has happened while the family awaits an appeal, and make a determination based on all the information available. The implications of this policy are that there will be occasions where the RAA has acted correctly in making a

decision, yet DHCD overturns the decision because the intervening circumstances are sufficient to change the balance of mitigating factors and negative information.

10 Occupancy

10.1 Who Can Live in the Assisted Unit

RAAs will not discriminate on the basis of family characteristics such as:

- Unit size needed
- Unwed parents
- Children born out of wedlock
- Recipients of public assistance
- Presence of children
- Age, sex, color, religion, national origin or disability
- Sexual orientation

Approval of family composition or the addition of family members, foster children, or live-in aides will not be unreasonably withheld by the RAA.

10.1.1 At Admission

At admission, the RAA must approve the family composition so a voucher of the appropriate size can be issued. The RAA may deny admission to a family or to individual family members as permitted by HUD regulations and as further defined in this administrative plan.

Family members approved by the RAA will be listed on the HAP contract.

10.1.2 During the Family's Participation in the Program

After the HAP contract is executed, family members may be added to the assisted household only with approval of both the owner and the RAA. There are three exceptions:

- Birth;
- Adoption; or,
- Court-awarded custody of a child.

The family must immediately notify the RAA of any change in family composition.

A family's failure to obtain approval to add additional family members is a violation of family obligations that will result in termination from the program; and, is a lease violation that may result in eviction from the unit.

The addition of new household members in the first year of the lease where the addition would cause the unit to not meet HQS requirements will not be permitted. If the owner and the family agree to a mutual termination and the additional occupant is approved by the RAA, the RAA will issue a new voucher and the family may move.

10.1.3 Live-in Aide for Disabled Resident

An RAA may refuse to approve, or may withdraw approval if a proposed live-in aide:

- Commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- Commits drug-related criminal activity or violent criminal activity; or currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

In instances where there are complaints about a live-in aide, the RAA should investigate those complaints and deny or withdraw approval if any of the above conditions are met. Under no conditions should an RAA perform a CORI on a live-in aide.

A participant must immediately notify the RAA of any changes in the status of a live-in aid and family members if any. Failure to do so may result in program termination. If a replacement live in aide requires a fewer number of bedrooms, the APS will be reduced; therefore, the tenant's share will increase substantially.

10.1.3.1 Live-in aide With Spouse or Dependent

On a case-by-case basis, the RAA must make a determination whether or not a live-in aide with dependent(s) is necessary and reasonable as an accommodation for the person with disabilities to enable the disabled person to participate in the program. The primary consideration in these cases must be the care and well being of the disabled participant. However, a live-in aide and its family will be limited to a maximum of two bedrooms.

10.2 Approval of Additional Occupants

1. The family representative must notify both the RAA and the owner in writing.
2. The owner must send his written decision to both the family and the RAA.
3. Upon receipt of the family's request, the RAA will obtain the necessary documentation from the individual[s] to be added to the household, and will perform a standard eligibility check that includes determination of eligible immigration status and a CORI.
4. When the eligibility check is complete, the RAA will send its decision to both the owner and family. If the additional occupant is approved by the RAA, the notice to the owner must state that failure to respond to the notice within one calendar month will constitute approval, and will have the effect of amending both the lease and the HAP contract.
5. If approved, a copy of the RAA approval and the owner approval, if received, will be attached to the HAP contract.

It is the responsibility of the family, not the RAA, to initially request and obtain the owner's written approval for the addition of family members.

10.2.1 In the Event of Conflict

Should the owner not agree to the addition of family members, the RAA will abide by that decision while the assisted family remains in that unit. If the owner denies the request, the family's options are as follows:

- Move by terminating the lease in accordance with its terms; or
- Seek mutual termination if the family is in the first year of the lease; or
- Remain in unit with the family composition unchanged.

If the owner approves the request to add family members but the RAA does not; e.g. unacceptable CORI, the family must abide by the RAA decision and the individual(s) may not move in. If the family allows the individual(s) to move in the RAA will terminate assistance to the family.

10.3 Family Break-up*

All decisions regarding the disposition of a subsidy in the event of a family break-up will be made by the RAA on a case-by-case basis after considering the circumstances of each individual case. Decisions made by the RAA are final and not subject to appeal. The RAA cannot create two subsidies from one.

If a court determines the disposition of a family's subsidy in a divorce or separation under a settlement or judicial decree, the RAA is bound by the court's determination of which family members continue to participate in the program. It is preferable that the courts, which are presumed to have considered what is in the best interest of the family, make these decisions.

If the court does not or will not make a determination the RAA has discretion to determine who keeps the subsidy first considering:

1. The interest of minor children.
2. The interests of ill, elderly or disabled family members.
3. Domestic violence situations and whether family members [the victims not the perpetrators] were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other member of the household.
4. Family members remaining in the original assisted unit.
5. Other factors as appropriate.

Generally, the interests of minor children will take precedence over all other claims and the subsidy will remain with the family member who has primary custody of the minor children.

RAAs must recognize that verification of legal custody may not always be possible, particularly in domestic violence situations. RAAs are encouraged to make the best

possible decisions in this regard. Custody or guardianship does not necessarily have to be court-ordered, but it is subject to verification by the RAA.

In situations where the parents have separated previously and custody is given to the parent who is not a member of the assisted household, then the subsidy will remain with the children, as members of the assisted household, provided the new household remains program eligible. The RAA will terminate the HAP contract as soon as possible after notification of the new custody arrangement.

In situations of split custody, where each adult member receives custody of a child, then the subsidy will remain with the original assisted unit. If no one remains in the original assisted unit, and both parents were members of the assisted household then the RAA has discretion to determine who retains the subsidy considering this policy and the circumstances of the individual case.

If there are no minor children, or if each adult has one or more, or in cases of joint custody (split visitation) then the current head of household of record will retain the subsidy except where items 2 & 3 above are a factor.

When the family break-up is voluntary, the subsidy will not be transferred to a remaining family member if that individual was not listed as a member of the household with the RAA for six months immediately prior to the transfer.

Each RAA must have a procedure for making these decisions at their agency.

10.3.1 Remaining Family Members in Special Programs

DHCD's policy for determining the eligibility of remaining family members in special programs is as stated in Section 10.3. However, if there is no longer a family member that is eligible for the supportive services offered by that special program, that family should be issued a standard subsidy so that other eligible families may be assisted under the special program. If the remaining family members are in a special program that does not provide supportive services they will retain the special program subsidy.

11 Termination of Assistance

This section states the grounds for which the RAA may terminate assistance. It does not address termination of tenancy by the family or owner, or HAP contract termination for reasons other than terminating assistance to a family.

Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease;
- Terminating housing assistance payments under an outstanding HAP contract; and,
- Refusing to process or provide assistance under portability procedures.

Where criminal activity is a factor, the RAA may consider the character of the crime and whether family members have participated in, colluded in, or benefited from criminal activity, and the impact of any termination on other family members including children. The RAA may also consider the effects of their action or non-action on the program and community, including: 1) how termination of assistance for criminal activity by assisted families may discourage criminal activity in the community; and 2) the effect of the RAA termination policy on the Section 8 program and the ability of program families to find good housing.

Termination of assistance may occur at any time there are grounds for termination. RAAs must inform families of the reasons for terminating assistance at the initial briefing and again at reexamination. If a participant claims that they failed to receive such information that fact will not prevent the participant from being terminated in accordance with HUD regulations and this policy.

For any terminable action, the RAA must exercise responsible discretion on a case-by-case basis and may consider all of the circumstances of the individual case, including seriousness of an offense, the extent of participation or culpability of individual family members, and the effects of program sanctions on uninvolved family members.

Generally, DHCD will not apply HUD's reasons for terminating assistance retroactively and/or punitively to current participants that have since maintained good tenancies. For example, a participant that was evicted from public housing in 1987 may not be terminated from the program because of the 1987 eviction; however, that may be a reason for denying assistance to an applicant if the reason for the eviction was egregious.

An RAA has discretion to consider mitigating factors presented by the family when deciding whether or not to terminate assistance. See section 13.2 for a further discussion of mitigating circumstances.

11.1 Grounds for Termination of Assistance

In the absence of mitigating circumstances, the RAA will terminate assistance to a participant for the following reasons:

1. If the family violates any Family Obligations as listed in HUD regulations for the Section 8 program.
2. If any family member commits drug related or violent criminal activity.
3. If any family member commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
4. If the family owes rent or other amounts to the RAA (including amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease), and either refuses to enter into a repayment agreement, or is not complying with the terms of their repayment agreement.
5. If the family breaches an agreement with an HA to pay amounts owed to the HA, or amounts paid to an owner by the HA in connection with Section 8, public housing assistance under the 1937 Act, or state-assisted public housing and is not complying with the terms of their repayment agreement.
6. If the family has engaged in or threatened, abusive or violent behavior toward RAA personnel.

The RAA will not terminate a family's assistance for the following:

- Expected tenant behavior.
- If a family participating in the FSS program fails to comply with the family's FSS Contract of Participation.
- If any family member has ever been evicted from public housing.
- If an RAA has ever terminated assistance under the Section 8 program for any family member.

11.1.1 Mandatory Terminations

In accordance with CFR 982.552(b) an RAA must terminate assistance to a family for any of the following reasons:

- a. If the family has been evicted from housing assisted under the Section 8 program for a serious violation of the lease.
- b. If any member of the family fails to sign and submit consent forms for obtaining information in accordance with program regulations.
- c. If at least one family member does not establish citizenship or eligible immigration status.

In accordance with the QHWRA of 1998, the RAA will immediately and permanently terminate Section 8 assistance, of persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds." DHCD further defines premises as any individual units leased with Section 8 rental assistance, including the common areas and grounds.

11.1.2 Family Obligations

Family obligations are listed on the voucher provided to the family upon admission to the program and must be provided in the information packet the family receives at the briefing.

11.1.2.1 Supplying Required Information

The family must supply such certification, release, information, or documentation as the RAA or HUD determines to be necessary and relevant including but not limited to:

- Disclosure and verification of Social Security Numbers.
- Signed consent forms for the obtaining of wage and claim information from the State Wage Information Collection Agencies.
- Submissions required for an annual or interim reexamination of family income.
- Evidence of eligible immigration status.
- Verification of childcare expenses.
- Verification of medical expenses for families seeking a deduction.

Information supplied by the family must be true and complete. If any family member fails to provide all required information or fails to respond to any written RAA requests for information within the time frame required by the RAA or any extension granted they will be terminated from the program. If an RAA chooses to grant extensions for submitting information they should be limited in number and duration.

The RAA may terminate assistance in situations where any family member deliberately conceals information and the information withheld would have been grounds for denying assistance.

11.1.2.2 HQS Breach Caused by Family

The family is responsible for a breach of HUD's HQS that is caused by any of the following:

- Failure to pay for tenant-supplied utilities
- Failure to provide and maintain tenant-supplied appliances
- Damage caused by family or guest to unit or premises (beyond ordinary wear & tear)

The family must correct the defect within:

- 24 hours for life-threatening violations; and

- 30 calendar days for other violations.

The RAA may approve appropriate extensions if the HQS failure is non-life threatening and does not affect the safety of the resident or other occupants of the building. If the family fails to correct the violation within the required time frame they will be terminated from the program.

Each RAA must develop a fair and effective system of enforcement that attempts to match the severity of the problem to the severity of the enforcement and permits a range of enforcement actions, including the use of warnings, extensions, and termination. To the extent practicable, each RAA must attempt to distinguish between damage that is accidental or minor as opposed to damage caused by reckless or malicious action by the family and use that information in determining appropriate enforcement actions. In many instances termination of assistance is appropriate only when other compliance measures have failed.

RAA enforcement procedures must attempt to inform and educate families as to applicable HQS standards and how their action or non-action relative to HQS violations may impact their ability to continue to receive rental assistance. When a family is cited for a family-caused HQS violation the RAA must provide written notice to the family, the owner, and any third party that may be designated by the family to receive notices from the RAA relative to their program participation. The notice must:

- Be issued promptly after the violation is cited.
- Include a clear description of the violation, including how it violates program requirements.
- Indicate the time frame for correcting the violation and the consequences of failing to correct the violation including actions that will be taken by the RAA and actions that may be taken by the owner.
- Strongly recommend that the tenant contact the owner to discuss the repair method prior to correcting any tenant caused violation.
- Include a statement regarding a disabled person's right to request reasonable accommodation and the name of the agency contact person.

The RAA's notice to the owner must:

1. Inform the owner that the family may be terminated from the program if the violations are not corrected and that if the family is terminated, the HAP contract will also be terminated with no further housing assistance payments from the RAA.
2. Advise the owner that he may make the necessary repairs and charge the family's security deposit in accordance with state law.
3. Advise the owner that if the violation also constitutes a lease violation and the family refuses or is unable to make the repairs, the owner may make the repairs, bill the family, and issue notice to terminate the tenancy in accordance with the lease and state law. *(For rules regarding termination of HAP payments when the owner terminates the lease see-982.311(b))*

4. Recommend that if the owner has any questions concerning the family's method or ability to correct the violation, they should contact the family directly.

Actions that may be taken by the owner include but are not limited to the following:

- No action, the family is responsible for making repairs.
- Owner makes the necessary repairs and charges the family's security deposit for the expense at the end of the tenancy.
- If the HQS violation also constitutes a lease violation and the tenant refuses or is unable to make the repairs, the owner may make the repair(s), bill the tenant, and issue notice to terminate tenancy.

When it is not obvious that the damage was tenant-caused, the burden of proof is on the owner, as evidenced by the statement of condition provided to the family at the beginning of their occupancy. If there is no statement of condition the RAA may use the initial inspection report to assess damage. The RAA may also consider whether the owner has a "history or practice" of violating HQS or DHCD housing standards

If a participant is terminated for failing to correct an HQS violation and the violation is cured after the effective date of termination, generally, the participant should not be reinstated. Because termination of assistance has occurred, that would indicate that other compliance measures, such as the granting of appropriate extensions, etc., have been taken and have failed. Any request for reasonable accommodation must have been submitted by the family and addressed by the RAA prior to the effective date of the termination. If the RAA determines that there were mitigating circumstances, and the family is reinstated in the same unit a new lease & contract must be executed.

11.1.2.3 Allowing Inspection of the Dwelling Unit by the RAA

The family must allow the RAA to inspect the dwelling unit at reasonable times and after reasonable notice.

It is the family's responsibility to arrange for access to the unit at all times, even if the family will be absent from the unit.

Families should be notified that although inspections are required annually, as a result of follow-up inspections and audit inspections by both DHCD and the RAA the unit might be inspected several times in a year.

To accommodate working families RAA's are strongly encouraged to schedule appointments for a specific time, when requested. If an RAA is unable to keep an appointment for an inspection, the family should be notified as early as possible on the date of inspection or sooner if possible. RAA's are also encouraged to extended inspection hours into the early evening, perhaps one day a week, to accommodate working families.

In instances where the unit is subject to repeated inspections due to the owner's failure to make the required repairs, an undue burden may be placed on working families. In these

instances, the RAA may suggest that the family ask the owner of the building to be present for re-inspections. If the family does not wish to allow the owner access to their unit, they remain responsible to make certain an adult will be present for all scheduled inspections. If an adult family member cannot be present for an inspection during the inspector's regular working hours, the family must make arrangements for another adult to be present in the unit at the scheduled time.

An RAA may terminate assistance to a family for failure to provide access to the unit if:

- The RAA is unable to gain access to the unit for at least two scheduled inspections within one reexamination period; and,
- The family did not cancel or call to reschedule the inspection(s) for a more convenient time; and
- The RAA did not cancel the inspections without notifying the family the day of the inspection.

11.1.2.4 Violation of Lease

The family may not commit any serious or repeated violation of the lease.

The lease is a contract between the family and the owner. Generally, RAA's will take no action against landlord claims of tenant misbehavior, will not assume the owners responsibility for enforcing the lease, and will not interject itself in the relationship between the family and the owner where the owner may seek remedy and/or mediation through the courts. Where an owner obtains a court-ordered eviction (Judgment for Possession) for serious or repeated lease violations, the RAA may terminate that family from the program after conducting an independent investigation into the cause for eviction.

The RAA, at its discretion and in situations where the owner is unable or unwilling to act, upon determining that the nature of the lease violation(s) are having a serious impact on individual residents or the housing development as a whole, may terminate assistance to a family where the RAA is able to establish repeated or serious lease violations by the family. For example, police reports documenting regular disturbances at the unit.

Vermin and rodent infestation caused by trash accumulation from poor family housekeeping is not a tenant-caused HQS violation but it may be a lease violation. An owner may evict if poor housekeeping creates a serious or repeated violation of the lease.

11.1.2.5 Family Notice of Move or Lease Termination

Before vacating the dwelling unit, the family must notify both the RAA and the owner in writing; and, in accordance with the terms of the lease.

11.1.2.6 Owner Eviction Notice

The family must promptly give the RAA a copy of any owner eviction notice.

11.1.2.7 Use and Occupancy of Unit

The family must use the assisted unit for residence by the family. The unit must be family's only residence.

The composition of the assisted family residing in the unit must be approved by the RAA.

The family must promptly notify the RAA if any family member no longer resides in the unit; and of the birth, adoption, or court-awarded custody of a child;

The family must request RAA approval to add any other family member, live-in aide or foster children as an occupant of the unit. Depending upon the form of lease, owner approval may also be required. Additional household member(s) will be subject to CORI checks by the RAA and required to submit other standard documentation.

The dwelling unit (or, in the case of certain special housing types, the portion thereof) must be used solely for residence by the family. The family shall not assign the lease or transfer the unit.

11.1.2.8 Absence From Unit*

The family must supply any information or certification requested by the RAA to verify that the family is living in the unit, or relating to family absence from the unit, including any RAA-requested information or certification on the purposes of family absences. The family must cooperate with the RAA for this purpose. If the family will be absent from the unit for more than 30 days it must promptly notify both the owner and the RAA in writing, and obtain approval from the RAA.

To obtain RAA approval, the family must:

1. Satisfy notice requirements; and
2. Provide documentation acceptable to the RAA regarding the length of absence and the reason for the absence; and,
3. Affirm their intent to return to the unit at the end of the leave period; and,
4. Agree to be responsible for receiving and responding to all notices sent by the RAA to the unit during periods of absence; and
5. Pay rent to the owner and pay for utilities while they are absent, and,
6. Make arrangements for the unit to be available for RAA inspections as necessary.

If this procedure is not followed, the unit will be considered abandoned and the RAA will terminate housing assistance payments and the family's participation in the program.

The RAA's absence from unit policy must be provided to applicants at the initial briefing.

11.1.2.8.1 Length of Absence

Absences for up to 90 consecutive days are permitted due to:

- Hospitalization;
- Commitment to a short-term drug or alcohol treatment program;
- Verifiable medical or other family emergencies; or
- Other reasons to be determined by the RAA.

A 90-day period is consistent with other programs administered by DHCD's Bureau of Federal Rental Assistance.

An absence of more than 90 consecutive days is considered a "prolonged absence" and will not be permitted. In extraordinary circumstances, to be decided by the RAA on a case-by-case basis, where a family may be absent for more than 90 days, the subsidy may be frozen for up to one year. Housing assistance payments are not continued during periods when the subsidy is frozen, only during an authorized absence of up to 90 days.

Imprisonment is not a valid reason for an absence of more than 30 days. If imprisonment is for drug related or violent criminal activity, the participant may be terminated in accordance with that policy.

See Section 4.1.4.3 for absences due to entering a residential treatment facility.

Reinstatement

In cases where assistance was terminated for an unauthorized absence from the unit for either:

1. Entering a residential treatment program;
or,
2. Incarceration for other than a drug-related or violent criminal activity;

The RAA may reinstate the family if:

1. The family member successfully completes the residential treatment program as evidenced by a written statement from the program's Director;
or
2. The family member was not convicted of the crime.

In all cases there is a one-year limit on reinstatement, measured from the date the termination is effective. Reinstatement is subject to the availability of a subsidy.

11.1.2.8.2 Notice Requirements

If the period of absence will be for 30 days or less the family is not required to provide notice.

If the period of absence will be for more than 30 days, the family must submit a request for RAA approval of extended absence as soon as possible, but not less than 21 days from the date in which the family is absent from the subsidized unit.

If RAA determines that the family has abandoned the unit or is absent for longer than the maximum period permitted the RAA will terminate housing assistance payments and the family's participation in the program.

If the RAA receives information that a family has been absent from their unit for an extended period, they may require the family to provide any information or certification that adequately explains the report of absence and verifies that the family has not been absent for more than 30 days. The agency may verify presence or absence by sending letters to the family at the unit, phone calls, visits or questions to the landlord or neighbors. School enrollment records and receipt of welfare assistance may also be used to determine where a family resides. If the agency receives information that the family has been absent from their unit, has not received notice from the family, and is unable to verify presence of the family in the unit within 30 days of the receipt of information, the RAA may consider the unit abandoned and may begin the process of terminating the HAP contract.

For termination due to abandonment the RAA must give the family an opportunity for an informal hearing. All termination and hearing notices will be sent to the participant at their address of record by regular and certified mail, and shall constitute proper notice

11.1.2.9 Interest in Unit

The family must not own or have any interest in the dwelling unit. If the Owner is a cooperative, the Family may be a member of the cooperative.

11.1.2.10 Fraud and Other Program Violation

The family members must not commit fraud, bribery or any other corrupt or criminal act in connection with any federal or state housing assistance program. HUD regulations pertaining to fraud are found at 24 CFR part 792.

11.1.2.11 Crime by Family Members

The family members must not engage in drug related criminal activity or violent criminal activity. See section 12.

11.1.2.12 Other Housing Assistance

An assisted family or members of the family may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative federal, State or local housing assistance program.

11.1.3 Debt Collection*

HUD's policy regarding the payment of damage claims and vacancy loss changed effective October 2, 1995. RAA's may not pay damage claims and vacancy loss on behalf of families that entered into a lease after that date. However, a family under a new lease and HAP contract may have an outstanding claim from a previous tenancy.

A family is obligated to pay money owed to the RAA as a condition of continued participation in the program. When an RAA has paid a vacancy loss, damage claim, or unpaid rent claim to a property owner the family must repay this money to the RAA. The family will be terminated from the program if they do not:

- Repay the full amount owed; or,
- Enter into a repayment agreement; and,
- Abide by the terms of the repayment agreement.

To implement this policy the RAA must review all existing claims at reexamination. If necessary, the repayment schedule will be restructured and the family and the RAA will enter into a new agreement. The amount to be repaid each month must be reasonable and achievable by the family. For each missed payment, the RAA will send a letter notifying the family that the payment is overdue, and of the consequences of failing to make the payment. After three consecutive missed payments, the family may be terminated from the program.

An RAA may refuse to allow a family to move if they are in arrears. If the family has a history of damage or vacancy claims, or if the family had previously signed a repayment agreement but failed to make payments or stopped making payments, the RAA may:

- Require the family to repay the full amount prior to moving; or
- Require the family to come current on the agreement and sign a new agreement that permits termination in place after three consecutive missed payments.

11.1.3.1 Impact of Bankruptcy on Tenant Debt

If a participant files for bankruptcy, any debts owed to the housing agency are dischargeable. If a participant receives a judgment of bankruptcy, any debts are discharged.

11.1.4 Termination for Drug or Alcohol Abuse

In accordance with the Housing Opportunity Extension Act of 1996, an RAA may terminate the Section 8 assistance of any person if the RAA determines that the person's abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. The RAA may also terminate the Section 8 assistance of any person who the HA determines is illegally using a controlled substance.

Copies of police reports indicating repeated complaints by other tenants or neighbors is appropriate verification.

11.2 Termination Notice to Family

Notice to the family must be sent by certified mail return receipt requested and by regular mail. In instances where the certified mail is not accepted by the family and returned to the RAA, but the regular mail is not returned to the RAA by the Post Office, allegations by the tenant that they did not receive the notice of termination will not be considered by the RAA as a reason for failure to submit a request for an informal hearing or otherwise respond to the notice. Unless both are returned to the RAA, there is the presumption that the notice has been received.

11.2.1 Time

Notice must be given to the family at least one full calendar month before the effective date of termination.

11.3 When Assistance is Paid

Housing assistance payments to the owner must continue to be made until the hearing process has been concluded at the RAA, or at DHCD if an appeal is filed. However, during this period the participant is not considered a tenant in good standing and may not move with assistance. The RAA should not accept or act upon any RFTA's submitted by the participant while an appeal is pending.

When the owner terminates the lease and has commenced the process to evict the tenant, and if the family continues to reside in the unit, the RAA must continue to make housing assistance payments to the owner in accordance with the HAP contract until the owner has obtained a court judgment or other process allowing the owner to evict the tenant. The RAA may continue such payments until the family moves or is evicted from the unit (982.311(b)).

12 Drug-related and Violent Criminal Activity

Drug related criminal activity is:

1. The illegal manufacture, sale or distribution; or the possession with intent to manufacture, sell or distribute a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or
2. Illegal use, or possession for personal use, of a controlled substance.

Violent criminal activity is any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

The term “criminal activity” includes both drug related and violent criminal activity. The term “drug related” will be used only if it is necessary to distinguish between the two.

12.1 Notification

Applicants and participants must be formally notified of DHCD’s drug policy. At the time of selection, applicant families will be required to indicate on their application whether any family member has been involved in any drug related or violent criminal activity. The application will also provide the family with information concerning the DHCD drug policy.

12.2 Grounds for Denial or Termination of Assistance

The RAA will deny assistance to an applicant or terminate assistance to a participant family if any member of the family commits:

- Drug related criminal activity; or
- Violent criminal activity; or
- Has a member who is subject to a lifetime sex offender registration.

(See also sections 3.5 and 11.1)

To deny or terminate assistance for illegal use, or possession for personal use, of a controlled substance, such use or possession must have occurred within one year of the date the RAA provides the notice of denial or termination of assistance for this reason.

The RAA may not terminate assistance for past use of drugs by a rehabilitated user who has not used drugs in the last year.

The RAA may deny assistance for an addict who currently uses or possesses drugs.

The RAA may not deny assistance for an addict who is recovering, or has recovered from an addiction. The RAA may require a family member who has engaged in the

illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition of being allowed to reside in the unit.

There is no time limit on denial or termination of assistance for violent criminal activity.

Convictions and Evictions for Drug-Related and Violent Criminal Activities

An RAA must deny or terminate assistance if the RAA obtains information that an applicant has been convicted or evicted for a drug related activity or a violent criminal activity; or, a participant is convicted or evicted for a drug related activity or a violent criminal activity. Proof of conviction or eviction is evidenced by written documentation from a court of law, district attorney's office, or other agencies or sources that have legitimate access to this information.

Preponderance of Evidence

HUD regulations do not require that the RAA establish beyond a doubt the guilt of an applicant or participant prior to taking steps to deny or terminate assistance. The RAA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in criminal activity, regardless of whether the family member has been arrested or convicted (on or off the site).

Each RAA may determine, on a case-by-case basis, whether to deny or terminate assistance when there is no conviction or eviction for drug related or violent criminal activity. If the agency can obtain written documentation that a preponderance of evidence exists that a family member(s) is involved in criminal activity the RAA may deny or terminate assistance. Written documentation may include but is not limited to police reports, arrests/disturbance reports, neighborhood complaints that indicate that a Section 8 tenant is trafficking a controlled substance from his unit, etc.

12.2.1 Limitation on RAA Authority

The RAA's authority to deny or terminate assistance is limited to criminal activity by family members.

An owner may evict the assisted family for criminal activity on or near the premises by any member of the "household" or a guest or another person under the tenant's control. To the extent that the criminal activity is a serious or repeated violation of the assisted lease the RAA may terminate assistance.

12.2.2 Mandatory Termination

An RAA will immediately and permanently terminate Section 8 assistance, of persons convicted of manufacturing or producing methamphetamine on the premises of the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds." DHCD further defines premises as any

individual units leased with Section 8 rental assistance, including the common areas and grounds.

12.3 RAA Response to Alleged Criminal Activity

All RAAs must respond to drug and criminal activity information in a uniform and objective manner and except where a preponderance of evidence suggests otherwise, give the family the benefit of the doubt, particularly when a conviction or eviction has not been obtained.

No one individual at the RAA may have sole discretion to initiate denial or termination proceedings. DHCD recommends a two-tiered approach that requires the review and concurrence of a number of personnel before any notification steps are taken.

Each RAA will designate a staff person(s) in a supervisory capacity as the Information Reporting Manager (IRM). Program staff will report alleged drug related and/or violent criminal activity of applicants or participants to the IRM. The IRM will determine if the information presented is relevant to the applicant's eligibility or program participant's ongoing assistance based upon DHCD's drug policy and HUD regulations.

The IRM will review the information and either make a recommendation to deny or terminate, or determine that the information is insufficient to make such recommendation. The IRM will issue a written recommendation to the appropriate program representative that gives specific reasons for the decision and identifying whether it is based on a conviction and/or eviction, or on a preponderance of evidence. The program representative is responsible for informing the family of its denial or termination of assistance in writing, citing the reasons cited by the IRM as the cause and informing the family of their right to appeal the decision.

The IRM will also provide training & guidance to staff on how to obtain documentation from the police, the courts, and district attorney offices to substantiate allegations of family involvement in illegal activities.

12.4 RAA Policy and Procedure

Each RAA is responsible for developing its own written administrative policy to implement DHCD's Drug and Criminal Activity policy. The policy must address all of the following points:

1. What action the RAA will take when information is obtained from anonymous tips, landlord and/or neighborhood complaints, housing inspectors' reports, local official complaints, newspaper reports, etc.
2. How the RAA will appropriately intervene when it obtains information about a family's drug or criminal activity. For example, a warning may be appropriate

when an anonymous tip has been received versus a notice to terminate for a documented conviction.

3. Designate staff to coordinate RAA efforts to respond to, investigate, and obtain documentation pertaining to a family's involvement in drug related or violent criminal activity.
4. Develop and maintain a list to identify and track families the RAA denies or terminates due to drug related and/or violent criminal activity. Limit access to the list to specific staff.
5. Ensure that privacy rights are not violated.

13 Reasonable Accommodation & Mitigating Circumstance

Reasonable accommodation is intended to provide persons with disabilities equal opportunity to participate in the Section 8 housing program through the modification of policies and procedures.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term “person with disabilities” means “individual with handicaps” as defined in 24 CFR 8.3.

Mitigating circumstances are verifiable facts that overcome or outweigh negative information.

13.1 Reasonable Accommodation

A reasonable accommodation is made in response to individual requests from a qualified person with disabilities. In general, the person with disabilities will suggest an accommodation that he believes to be effective, and the RAA will determine whether the requested accommodation is reasonable from its viewpoint. The RAA may also suggest other accommodations that are less burdensome to the RAA. The RAA may ask the applicant to verify through a qualified source that his condition warrants the accommodation requested.

13.1.1 Authority

Neither DHCD nor its RAAs have the authority to waive federal regulations in response to a request for a reasonable accommodation. A request for reasonable accommodation that cannot be granted by the RAA will be forwarded to HUD. All requests must be accompanied by appropriate verification as required by the RAA or DHCD, and by HUD.

For a voucher tenancy, an RAA may approve an exception payment standard up to 110% of the published FMR, as a reasonable accommodation for a disabled family member. HUD regulations at 982.505 (d) provide that on request from a family that includes a person with disabilities, an RAA may approve an exception payment standard of up to 110% of the FMR if appropriate as a reasonable accommodation for the needs of a person with disabilities. There are no limits on the number of exception payment standards that an RAA can approve provided the requirements are met.

DHCD approval is not required for an RAA to approve an exception payment standard. The RAA must document the file as appropriate, providing evidence of the disability, the necessity of the accommodation, and the rent reasonableness determination. One person at the RAA must be responsible for approving, in writing; all exception payment standards and this approval must be kept in the participant file. The number of exception payment standards approved each quarter must be tracked and reported on the quarterly report. The DHCD Quality Control Specialist will audit these files.

In regions where the payment standard is already set at 110% of the FMR, neither the RAA nor DHCD has authority to exceed this amount. A request for an exception payment standard of up to 120% may be submitted to HUD. Requests that exceed 120% of the FMR must be submitted through DHCD to HUD's Washington D.C. office.

13.1.2 Obligation

The RAA's obligation is to make an accommodation that is effective; i.e., one that overcomes barriers to equal access and facilitates the use of the housing program, provided that the accommodation also is reasonable; i.e., does not cause an undue burden or cause a fundamental alteration in the nature of the housing program.

A reasonable accommodation is unique to the needs of the person as a result of his disability; therefore, each requires an individualized assessment. Requests for reasonable accommodation must be considered by the RAA on a case-by-case basis.

Generally, the RAA's obligation to consider, and where reasonable, grant accommodations to a participant with disabilities ends when program participation actually terminates.

Each RAA must have written procedures for processing and evaluating reasonable accommodation requests.

Information on the availability of the RAA's reasonable accommodation procedure will be posted in the RAA office and will be provided at application intake, with notices of rejection, program violation or termination, and at other times as the RAA deems appropriate.

Reasonable accommodation decisions will be made by the RAA in a timely manner; and, will be documented in writing, and if applicable, in another format accessible to the requester. An agreement to make accommodations will include terms, conditions, performance expectations for all parties, and, if appropriate a schedule.

13.1.3 Reinstatement & Provisions for Resumption of Assistance

If a participant who has not been informed of the RAA's reasonable accommodation policy has been terminated from the program or left the program for reasons related to a recognized disability they may be reinstated under the following circumstances:

- If not more than one year has passed from the effective date of their termination; and
- If they are able to provide verification of their ability to comply with the essential program requirement(s) which was the cause for their termination; and,
- The RAA has a subsidy available to issue.

It must be established by the family that the previous unacceptable behavior (which must be defined specifically) did, in fact, occur because of the disability, and that in

the future, the family could reasonably be expected to be program compliant because of a change in circumstances.

If part of the poor tenant history of an applicant, or former participant with disabilities relates to failure to comply with treatment, the RAA may properly inquire about the reasonable expectation that the applicant will comply with current treatment.

For example, it may be an appropriate accommodation to delay or cancel a termination proceeding. If a reasonable accommodation request is pending, the program termination could be stayed until a decision was made. If the program violation is subject to cure, the participant cures the violation, and a reasonable accommodation makes certain that the violation will not be repeated, the program termination could be canceled. The simple provision of “a second chance” in the absence of any action to cure the violation or prevent a recurrence is not likely to be an appropriate accommodation.

If an applicant or former participant is being readmitted by virtue of such a reasonable accommodation, the RAA may not make continued receipt of the assistance a requirement of continued program participation. Once an applicant is readmitted, the standard for remaining in occupancy is program compliance.

For example: A relative arranges for a disabled family terminated due to poor housekeeping (to the extent that it created a serious and repeated lease violation) to receive weekly housekeeping services. The RAA determines that this is a reasonable accommodation and reinstates the family. The RAA may not make continued receipt of the housekeeping services a requirement of continued program participation. If the housekeeping services should stop after six months, the RAA may not terminate the family from the program provided they are able to maintain their tenancy and comply with all program requirements.

If a participant asserts that his failure to comply with the essential program obligations is a result of their disability, it is up to the participant to propose a reasonable accommodation, which if implemented, would result in compliance with essential program provisions. The RAA may require verification of the proposed accommodation that would allow them to comply with essential program requirements. However, the RAA cannot require such actions as a condition of initial or continued program participation.

The RAA may require the former participant to verify that:

- They had or have a disability;
- The former problems were caused by the disability; and,
- That present treatment, or reasonable accommodation, can reasonably be expected to prevent recurrence of the problem.

A simple example of a reasonable accommodation to ensure program compliance is that a copy of all RAA notices to be sent to the family will also be sent to a responsible third-party designated by the family.

The RAA may automatically reinstate applicants with disabilities who fail to respond within the reasonable time frame to inquiries to update the waiting list, but only for reasons that are related to their disability.

13.2 Mitigating Circumstances

Mitigating circumstances are verifiable facts that overcome or outweigh negative information. Mitigating circumstances can apply to all families; they are not exclusive to families with disabilities.

Considering mitigating circumstances for a family with disabilities is a reasonable accommodation, and thus a requirement.

13.2.1 Effect on Denial or Termination of Assistance

An RAA has discretion to consider mitigating factors presented by the family when deciding whether or not to deny or terminate assistance. Should the RAA decide not to deny or terminate a family's assistance due to mitigating circumstances, the RAA must document this fact in the family's file and attach any documentation to support this decision.

It is not the RAA's responsibility to inquire as to whether there were mitigating circumstances. However, if the family claims mitigating circumstances it is up to the RAA to determine whether it believes the circumstances are valid. The family must provide documentation that establishes the validity of the claim. The RAA is the final judge of what constitutes adequate and credible documentation.

Mitigating factors can be, but are not limited to, considering the seriousness of an offense, the extent of participation by other family members, and the effect that the denial or termination may have on the household. The RAA has discretion to determine an appropriate remedy, and may permit the remaining members of a household to continue to receive assistance and may impose a condition that the offending household member(s) will not reside in the unit. A signed statement to that effect can be required by the RAA. In accordance with the Housing Opportunity Program Extension Act of 1996, an RAA may require that the family member(s) involved in the illegal use of a controlled substance or abuse of alcohol submit evidence of: 1) successful completion of a supervised drug or alcohol rehabilitation program; 2) successful rehabilitation by other means; or, 3) current participation in a supervised drug or alcohol rehabilitation program, as a condition of being allowed to begin or continue participation in the Section 8 program.

Mitigating circumstances may exist such that the RAA believes that granting assistance to an applicant is warranted even though the applicant meets one of the criteria for denying assistance. For example, in the case of criminal activity, where the family member that caused the problem is no longer part of the household.

In cases where a family was evicted or had their assistance terminated by another administering agency, the RAA must do its own investigation into the cause, how long ago it occurred, and whether the family composition is the same before determining whether to deny or terminate assistance to that family. For example, it may not be appropriate to deny assistance to a family that was evicted from public housing for damage to the unit where a family member who no longer resides with the household did the damage.

There are limited instances in which a family owes money and the RAA may exercise discretion when determining eligibility. For instance, if a family owes a small amount to another HA and that HA is refusing to execute a repayment agreement despite good faith efforts by the family to do so, the family could be determined to be eligible.

The RAA may automatically reinstate applicants on the waiting list if the agency reasonably believes that extenuating circumstances interfered with the ability of the applicant to keep his or her waiting list information current.

DHCD requires that families give the RAA at least a calendar month written notice before moving to a new unit. This requirement may be waived in certain instances, if it is determined that the family was unable to provide the proper notice due to factors beyond its control, such as cases of domestic abuse, and some evictions.

13.2.2 Domestic Violence as a Mitigating Circumstance

There is no question that domestic violence can be a mitigating factor in a family's failure to comply with any program requirement. If the claim of domestic violence is sufficiently documented then the RAA must weigh all the circumstances of the case and determine whether the mitigating facts outweigh the family's failure to comply with program requirements.

14 Encouraging Owner Participation*

Periodically, RAAs will perform outreach to encourage owner participation by hosting regional conferences and training programs with local rental housing associations, Boards of Realtors, local owners, and other civic, charitable and neighborhood organizations that may have an interest in providing housing for low-income families. Typically the RAA will make a presentation on the various subsidy programs. Program benefits and requirements will be explained and participants will have an opportunity to ask questions. RAA staff should be available for presentations to local rental housing associations, community groups, Realtors, and other interested groups upon request.

Each RAA covers urban, suburban, and /or rural communities and outreach activity extends throughout their administrative area.

RAAs are required to develop and publish their own materials for owners describing the Section 8 program requirements and benefits. Information packets for new, current, and prospective landlords are available upon request from each RAA.

Each RAA must develop a specific, localized plan for outreach to owners and be able to document all outreach efforts.

15 Discrimination and Fair Housing*

The RAA must suitably communicate the provisions of both Federal and State Fair Housing laws to applicants, participants, and owners. RAA staff is required to attend fair housing training sponsored by DHCD and the Massachusetts Commission Against Discrimination (MCAD) when scheduled by DHCD.

Fair housing laws are explained to applicants at the briefing session. A Summary of Federal and State fair housing laws, and a copy of the HUD brochure, "Fair Housing -- Its Your Right" that contains housing discrimination complaint Form HUD-903 and/or 903A (Spanish version) are in the information packet given to the family at the briefing. These documents are also available upon request.

Strategies to deal with owners who are unfamiliar with fair housing laws are also presented at the briefing. Particular attention is given to explaining the provisions of the Massachusetts Fair Housing Act applicable to families with children, focusing on issues surrounding lead-based paint. Also the RAA will provide guidance on the more common issues that may constitute discrimination. These may include issues surrounding lead-based paint; an owner's reluctance to accept a Section 8 subsidy; or bedroom size issues that are in conflict with the RAA subsidy standards and HQS.

If a family is having difficulty leasing a unit RAAs should proactively attempt to spot issues that may be discriminatory. The suggestion that a family document their housing search efforts beyond the first 60 days can be a useful tool in spotting possible discrimination.

If a family claims discrimination because of race, color, religious creed, sex, national origin, age, familial status, disability, sexual orientation, ancestry, marital status, veteran status, membership in the armed forces, presence of children, or political beliefs, the RAA will advise the family of its options and explain how to complete a discrimination complaint to be filed with MCAD. If requested by the family the RAA will assist in completing the complaint form. The staff person completing the complaint form will make no judgment about the legitimacy of a complaint; they are there to help the tenant complete the necessary forms.

Exception payment standards over 110% of the FMR may be granted by HUD to assist participants in leasing units outside areas of low income or minority concentrations. However, such rents must meet rent reasonableness standards for comparable units.

16 Inspection Requirements

These DHCD inspection requirements are supplemental to HUD's Housing Quality Standards for the Housing Choice Voucher and Moderate Rehabilitation Programs.

As described in HUD's Housing Inspection Manual,

"The HUD Housing Quality Standards are a basic 'floor' or minimum standards that apply across the country to units on the Section 8 Housing Choice Voucher Program. In areas with relatively higher quality housing available, PHAs will be able to adopt a higher standard".

DHCD utilizes both HUD's Housing Quality Standards as well as the additional DHCD Inspection Requirements as a basis for evaluating a unit each time it is inspected. These additional standards are as set forth in this section.

The Commonwealth of Massachusetts has a State Sanitary and Building Code (105 CMR 400.00 - 419.00 and 780 CMR respectively, hereinafter referred to as the Codes) that regulate all housing in the Commonwealth. In some instances the Codes supersede and are more comprehensive than HUD's Housing Quality Standards and DHCD's Inspection Requirements. State law stipulates that all property owners are expected to maintain their dwelling units in conformance with the Codes and to correct all Code violations in a timely manner. Although DHCD's Regional Administering Agency (RAA) inspectors will not specifically check for all violations of the State Sanitary and Building Codes (DHCD is not the appropriate enforcement agency for this responsibility), DHCD performs periodic Code training for its RAA inspectors to supplement the training which DHCD provides on HQS and DHCD's additional standards.

The following statement must be included with all Inspection Reports:

"This inspection has been performed to determine compliance under the HUD\DHCD Section 8 Program. While some of the inspection requirements may be similar or identical to provisions of local Codes, this inspection does not certify compliance with said Codes. In all instances, it is the owner's responsibility to maintain property to meet all applicable state and local Codes and a tenant's right to request an inspection by the local Code Enforcement Agency."

Known violations and continued non-conformance with the Codes will be a factor in the RAA's determination of rent reasonableness, the provision of an annual rent adjustment at reexamination time and the scheduling of more frequent reinspections, consistent with DHCD's Marginal Unit Policy as outlined in Section 16.14.

Non-compliance with the HUD Housing Quality Standards and/or the DHCD Inspection Requirements and/or repeated and regular non-compliance in accordance with the Marginal Unit Policy are grounds for:

- Rejecting the unit at initial inspection
- Suspending or abating all or some percentage of the subsidy
- Terminating the HAP contract with the owner
- Termination of tenant participation in the program

DHCD Inspection Requirements

In that these DHCD Inspection Requirements are supplemental to the HUD Inspection Requirements, please note that the numbering system used for the DHCD Inspection Requirements is designed to conform as closely as possible to the numbering system used in HUD's Housing Inspection Manual and the DHCD Standard Inspection Checklist. See attachment 16-A.

16.1 All Habitable Rooms

Living Room, Kitchen, Bathroom, All Other Rooms Used for Living or Sleeping and Interior Halls

16.1.1 Room Present (1-4.1)

16.1.2 Ceiling Height

Ceiling heights in all habitable rooms must not be hazardous for their use.

Is the ceiling height of any part of any habitable room less than 5' high? If so, such area of 5' or less ceiling height shall not be considered in computing the total floor area of either the room or the dwelling unit.

16.1.3 Below Grade Space

Is any part of the dwelling unit below the average grade of the adjoining ground?

If so, no room or area in a dwelling may be used for living if such room or area has more than half its floor to ceiling height below the average grade of the adjoining ground and such room or area is subject to chronic dampness.

16.1.4 Screens (1-4.5)

Upon initial inspection, is there at least one screen in each room used for living or sleeping? A screen door will meet this requirement.

Screens may be either permanently installed or expandable. The inspector shall make sure this requirement is met regardless of the time of year the inspection occurs. The inspector shall insure that screens are in the unit or otherwise available, and that the

number of screens is appropriate to meet this requirement. During the time between October 31st and March 31st an extension of time to comply may be given to the owner.

16.2 Kitchen

16.2.1 Electricity (2.2)

There must be at least **two** working electrical outlets in the kitchen.

16.2.2 Floor Condition (2.8)

Is the floor surface covered by a smooth, non-corrosive, non-absorbent and waterproof material?

DHCD will allow kitchens and bathrooms to have permanently installed carpeting, provided that the carpet condition meets HQS, which assures that the carpeting is in decent condition, free from excessive mold, mildew or other unsanitary health hazard and that the sub floor below is not subject to chronic water damage.

Resilient sheet flooring, resilient tile and ceramic tile are acceptable materials. Flooring should be well adhered to the substrate and all seams in sheet material should be sealed.

Wood flooring is acceptable only if it has a durable and water-resistant finish with no cracks large enough to allow the accumulation of dirt, food or the harborage of insects.

16.2.3 Stove or Range With Oven (2.10)

16.2.3.1 Substituting a Microwave for an Oven, Stove or Range

A microwave oven may be substituted for a stove provided that the RAA is informed and approves and that the substitution is agreeable to both the owner and tenant. If not RAA approved an incorrect utility calculation could result. A microwave oven shall not be considered adequate where either the owner or the tenant fail to maintain a required utility. The appliance may be either owner supplied or tenant supplied. If the microwave is owner supplied, the owner must offer the same option to all other tenants in the building. If owner supplied and not present a fail rating is required. If tenant supplied and not present on initial inspection mark the item inconclusive and follow up as needed. Hotplates are not acceptable substitutes.

16.2.4 Space for Storage and Preparation of Food (2.13)

The space for storage and surface for preparation of food must be in good condition and impervious to water damage. Cabinets that are not securely attached to the wall will fail inspection. Pantry closets, shelves, counter tops and under sink storage areas must be free from defects which make them difficult to keep clean or encourage infestation.

16.2.5 Optional Equipment (2.14)

Owner installed optional equipment may include but is not limited to dishwasher, laundry facilities, air conditioner, garbage disposal, microwave, and range hood.

Owner installed optional equipment usually adds to the value of the unit and is a consideration in determination of rent reasonableness. The working condition of owner installed optional equipment must be noted on the initial inspection report. Thereafter, the owner is responsible to maintain all optional equipment in working condition. However, if upon annual inspection optional equipment fails due to the tenants' misuse, the unit will not fail inspection or cause the tenant's termination, but should be noted as a recommended repair.

16.2.5.1 Range Hood

A range hood ventilation fan must be covered by either a filter that is designed to cover the fan, or other protective covering in order to prevent injury from exposed fan blades. The filter should be checked for excessive grease build-up that may be a fire hazard.

16.3 Bathroom

16.3.1 Wall Condition (3.7)

Walls around the tub area must be covered by a smooth, non-corrosive, non-absorbent and waterproof material up to a height of 48". Where there is an installed showerhead or shower compartment, the walls must be covered up to a height of 6'. A circular shower curtain rod that encloses the tub is acceptable.

16.3.2 Floor Condition (3.8)

The floor surface of every room containing a toilet, shower or bathtub must be covered by a smooth, non-corrosive, non-absorbent and waterproof material or permanently installed carpet that is free from mold, mildew or other unsanitary condition.

Resilient sheet flooring, resilient tile and ceramic tile are also acceptable materials. Flooring should be well adhered to the substrate and all seams in sheet material should be sealed. Carpet may be installed over a well-sealed floor.

Wood flooring is acceptable only if it has a durable and water resistant finish with no cracks large enough to allow the accumulation of dirt, food or the harborage of insects.

16.3.3 Ventilation (3.13)

16.3.3.1 Dampness

Does the bathroom have chronic dampness as evidenced by regular and/or periodic appearance of moisture, water, mold, mildew or fungi?

If plumbing and ventilation are in good repair and properly used, there should not be chronic dampness. If chronic dampness, mold, mildew, or fungi is present, it may require special cleaning and treatment with mildewcide and paint or replacement.

16.3.4 Space for Storage and Optional Equipment (3.14)

The space for storage in the bathroom must be in good condition and free from water damage. Cabinets that are not securely attached to the wall will fail inspection. Shelves, counter tops and under sink storage areas must be free from defects which make them difficult to keep clean or encourage infestation.

Owner installed optional equipment may include but is not limited to medicine cabinet, towel bars, soap dish and other accessories.

16.4 Other Rooms Used For Living

16.4.1 Space and Use - Square Footage (4.1a)

Every room that may be used for sleeping must contain at least 70 sq. feet for one occupant, or at least 50 sq. feet per person for two occupants.

16.4.2 Security (4.4)

16.4.2.1 Bedroom and Other Interior Door Locks:

All egress and interior room doors shall be readily openable from the side from which egress is to be made without the use of a key or special knowledge. This means that padlocks, slide bolts, and hook and eye locks are not allowed on the outside of bedroom or other interior room doors.

Doors may be equipped with a night latch, hook and eye; slide bolt or security chain provided such devices are openable from the inside without the use of a key or tool and mounted at a reasonable height for the occupant. Furthermore, no room that contains the fire escape, unit entry or exit door may be lockable.

16.4.3 Natural Light Requirement (4.9)

All bedrooms or any other rooms used for sleeping must have at least one openable window.

Acceptable under certain conditions are windows in rooms used for sleeping that open onto common areas rather than to the outside. These are acceptable provided the windows allow adequate natural light to permit normal indoor activities. For example: a bedroom window which faces onto a common area with a large vaulted glass ceiling, or which faces onto an enclosed sun porch may pass. The emphasis of this requirement is to provide adequate natural light in the bedroom.

16.5 All Secondary Rooms Not Used For Living

16.5.1 Garage

If the garage door opens directly into the unit, it must be a solid core fire rated wood or metal door. A hollow wood or plastic "panel style" door is not acceptable.

A door from a garage cannot enter directly into a sleeping room.

16.5.2 Laundry

A gas dryer must be vented to the outdoors, shaft or crawlspace. An electric dryer is not required to be vented to the outdoors, however it should be properly vented to trap lint and prevent excessive mildew problems. Check behind the dryer whenever possible for excessive lint and dust build-up which could be a fire hazard.

Washing machine drain standpipes must be capped if not in use for an extended period of time. Although a trap is usually present, if not used for an extended period of time the water in the trap will eventually evaporate, which may allow the escape of sewer gases.

16.6 Building Exterior

16.6.1 Condition of Stairs, Rails and Porches (6.2)

16.6.1.1 Protective Railings

There must be a wall or protective railing at least 36" high around every porch, balcony, loft or roof which is more than 30" from the ground and intended for use by the occupant. Waivers for railing height and baluster spacing may also be requested when the building is an historic structure or an ornately decorated Victorian home where the current railing and balusters are in excellent condition and do not require repair. Only first floor porches no more than 5 feet from the ground could be considered and the tenant and owner must request the waiver in writing. This does not apply to homes with no railings

In order to pass inspection a handrail must be graspable. This means that a solid wall cap that exceeds 4 inches wide will not serve as a handrail and so must be fitted with a graspable handrail. Handrail stock up to 2x4 inches or other size approved by the local building department is acceptable.

A railing or other protective structure is required when retaining walls with a difference in grade level in excess of 4 feet are located within 2 feet of a walk, path, parking lot or driveway on the high side.

The top step or landing shall be counted as a step when determining if a handrail is required. Counting 4 or more risers will always assure this requirement is met.

A basement bulkhead requires a handrail if used by the tenant on a regular basis.

16.6.1.2 Foundations - Porch, Deck, Stairway

Are porches, decks and stairways structurally sound? Does every porch or exterior stair have an adequate foundation to ensure stability?

Wood post sitting on pavement, concrete block, ground or asphalt without a foundation may not be acceptable if the structure is subject to excess sway or movement.

The following Building Code guidelines should be considered in determining the structural soundness of all porches, decks, and stairways. Since many existing homes pre-exist the current Building Code some variation is permissible. Tenants may be allowed input into determinations. Incidents that present a hazard are required to be corrected or owners may submit written approval of the condition from the local building department. All such documentation is to be maintained in the tenant file.

- Generally, joist spacing for porches and decks should be 12-24 inches.
- All porches, decks, stairs and railings should be adequate to support a 200 lb. load; consider the ability to support a refrigerator.
- 8 1/4" is the maximum riser height, with no more than 1/4" difference between each riser. Further, 9" is the minimum tread width. Stairways that do not conform to these requirements may present a tripping hazard.
- No more than 15 treads between landings on a stairway are generally acceptable for adequate structural support and fire exit safety.
- Support stringers must be adequate to support stair treads. Generally, 2"x12" stringers are acceptable.

16.6.1.3 Balusters on Decks, Porches and Lofts, and Decks Over 30" From the Ground

All decks, porches and lofts must have balusters spaced at no more than 6" intervals (that is, so a six-inch sphere cannot pass through the opening) in all units occupied by children less than six years of age. Waivers for railing height and baluster spacing may also be requested when the building is an historic structure or an ornately decorated Victorian home where the current railing and balusters are in excellent condition and do not require repair. Only first floor porches no more than 5 feet from the ground could be considered and the tenant and owner must request the waiver in writing. This does not apply to homes with no railings

16.6.2 Condition of Exterior Surfaces (6.4)

16.6.2.1 Excessive Chipping and Peeling Paint

Regardless of the family composition, whenever excessive chipping and peeling paint, or areas of missing siding allow weather to damage the framing or sheathing or allow wind, water or moisture to penetrate the walls, the inspection will fail.

16.6.2.2 Seasonal Repairs

Sometimes there is a seasonal consideration that makes treatment of exterior chipping and peeling paint or cement repairs to chimneys difficult to implement.

During winter months HUD regulations require that exterior chipping and peeling paint be treated whenever there is a child less than 6 years of age residing in the unit, regardless of the time of the year. However, DHCD acknowledges that this requirement can be difficult to implement. For example, the owner of the property does not want to treat the paint or cement until spring to ensure a quality repair. In an instance such as this, where strict implementation would cause a household to lose an otherwise decent, safe and sanitary unit, DHCD strongly encourages RAA staff to exercise good judgment and to weigh the interests of the household against the seasonal requirement. This exception does not apply if the paint contains lead. In an instance such as this the RAA may allow the owner to treat the defective paint condition with an extension for repainting until spring. The RAA must document all such extensions and the inspection must remain active with a reinspection date that ensures that the spring repair is completed. (See 16.8.8 for lead paint guidance).

16.7 Heating and Plumbing

16.7.1 Adequacy of Heating (7.1)

16.7.1.1 Unit Temperature Requirement

The air temperature in the unit should be no higher than 78 degrees F. or lower than 64 degrees F from September 15th to June 15th inclusive.

In cases of tenant complaint it may be necessary to check actual room temperature. Room temperature can be read at a height of 5' above floor level on a wall any point more than 5' from an exterior wall. Tenants may be referred to the local Board of Health.

16.7.2 Safety of Heating Equipment (7.2)

16.7.2.1 Prohibited and Unsafe Heating Equipment and Conditions

Is the unit free from prohibited and unsafe heating equipment?

Gas space heaters are never allowed in a room used for sleeping or a bathroom, unless they are direct-vented appliances that draw intake air from outside of the unit.

The following types of heaters are considered unsafe:

- All unvented heaters
- All portable space heaters
- Parlor heaters
- Cabinet heaters
- Any room heater where the fuel tank is located less than 42" from the burner
- Unvented floor furnaces also known as joist heaters
- Heaters that use kerosene; range oil; #1 fuel oil; or any portable wick-type heater

16.7.2.2 Wood and Coal Burning Stoves

At initial inspection, if the unit is equipped with a wood or coal-burning stove, the owner must document inspection by a qualified professional, with cleaning if necessary, if the tenant is reliant upon wood or coal or other solid fuel burning stove regularly during the heating season.

16.7.2.3 Oil Supply Lines

All oil supply lines that may be subject to damage and in direct contact with the earth or concrete shall be covered with protective concrete or enclosed in a continuous protective sleeve. Plastic (PVC) tubing shall be one method of enclosing the oil line. Overhead oil lines do not require such protection

16.7.2.4 Certification

DHCD and it's RAAs reserve the right to require current documentation of proper heating system operation by licensed technicians, heating contractors, local code inspectors, or utility company at any time in the event of tenant complaint or if the inspector has any reason to suspect improper or hazardous operation of any heating system. Emergency situations such as no heat during heating season (September 15 through June 15 inclusive), gas or oil leaks, carbon monoxide hazards, or other life threatening circumstance shall be treated as 24 hour violations. All non-emergency repairs such as improper operation, built up soot, inconsistent operation, or poor overall condition requiring heating system certification by licensed professionals shall allow the owner 30 days (or within a documented RAA approved extension) to provide the required current documentation regardless of the age or type of the appliance. Failure to provide current heating system certification may result in rent withholding and/or contract termination. All unvented heating appliances are prohibited by HUD. All non-electric heating appliances including floor furnaces, gas logs, or gas on gas stoves are required to be properly connected to a chimney by means of a flue pipe or otherwise properly exhausted to the outdoors.

16.7.3 Ventilation and Adequacy of Cooling (7.3)

16.7.3.1 Dampness

Does any habitable room have chronic dampness as evidenced by regular and/or periodic appearance of moisture, mold, mildew or fungi?

If plumbing and ventilation are in good repair and properly used, there should not be chronic dampness. If chronic dampness, mold, mildew or fungi, it may require special cleaning and treatment with mildewcide and paint or replacement.

16.7.4 Water Heater (7.4)

16.7.4.1 Hot Water Temperature

The temperature of hot water supplied to all faucets should be between 110 degrees F. and 130 degrees F.

If water is too hot or too cold, check proper operation of hot water heater and general condition of hot water heater and its piping. In cases of tenant complaint it may be necessary to check actual water temperature.

16.7.4.2 Gas Fueled Hot Water Heaters

No gas-fueled hot water heater may be located in a room used for sleeping or a bathroom, unless they are direct-vented appliances or draw intake air from outside of the sleeping room and the local building department has approved the installation.

16.7.5 Approvable Water Supply (7.5)

16.7.5.1 Water Pressure

Water pressure supplied to all faucets should be sufficient to meet the ordinary needs of the occupants.

16.8 General Health and Safety

16.8.1 Access to Unit (8.1)

16.8.1.1 Security

According to the building location, common practice, and at the discretion of the RAA based on knowledge of the neighborhood, every entry door to a building that provides direct access to the outside shall be fitted with a working keyed lockset.

All egress doors must be easily openable from the inside without the use of a key, special knowledge or effort.

A chain lock, slide bolt or hook and eye lock is not adequate as the only lock for any unit entry doors.

If the unit provides direct access to a common basement, be sure the unit door is lockable and provides security for the tenant.

A hatchway to a common attic must be secured or lockable.

Replacing a loose or ill-fitting lock or striker plate may require providing new, solid, wood blocking at the doorframe or at the door itself in order to install the lockset securely.

16.8.1.2 Accessibility

Are all areas of the building accessible to allow the inspector to inspect all critical areas in order to assure compliance with all HQS and DHCD Inspection Requirements?

Occasionally, certain areas of a building are not readily available for inspection. Most common are locked basements and utility rooms of large buildings. While the owner is within his/her rights to deny tenants access to certain spaces, it is imperative that the inspectors are allowed to inspect all of the building. An owner's refusal to grant access to a space is grounds for denying or withholding subsidy to the owner and/or termination of the HAP contract.

16.8.2 Evidence of Infestation (8.3)

If infestation is chronic, owner must provide documentation to verify professional extermination of the building. Generally a service contract for multiple treatments will be needed to ensure effective extermination.

16.8.3 Garbage and Debris (8.4)

The owner is ultimately responsible for the final collection, disposal or incineration of all garbage and debris.

The owner is required to provide trash receptacles (barrels or bins with tight fitting covers, dumpsters, etc.) adequate in capacity and safety to temporarily contain the trash for all units between periodic contracted or municipal pick-ups.

The owner must make every attempt to locate receptacles so that no objectionable odors enter the dwelling unit.

The occupant is responsible for placing garbage and debris in designated receptacles or other point of collection. The occupant's failure to do so will constitute a fail rating for tenant caused violations.

The occupant is responsible to maintain the unit free of garbage, debris, filth or cause of sickness. The occupant's failure to do so will constitute a fail rating for tenant caused violations.

16.8.4 Interior Stairs and Common Hallways (8.6)

16.8.4.1 Common Area Lighting

The owner must provide operating light bulbs in all required light fixtures in all interior and exterior common areas of the building.

16.8.5 Other Interior Hazards (8.7)

16.8.5.1 Optional Equipment

Owner installed optional equipment usually adds to the value of the unit and is a consideration in the determination of rent reasonableness. The working condition of owner installed optional equipment must be noted on the initial inspection report. Thereafter, the owner is responsible to maintain in working condition.

Owner installed optional equipment may include, but is not limited to doorbells and buzzer system, air conditioner, dishwasher, garbage disposal, laundry facilities, etc.

16.8.5.2 Circuit Panel Box

There must be no open spaces or missing circuits in the electrical panel box, recommend open spaces be covered with blank inserts to prevent accidental shock.

16.8.5.3 Storage of Flammables

DHCD and it's RAAs will allow the responsible storage of yard and building maintenance equipment such as lawn mowers, trimmers, chain saws, and snow blowers in the basement. Storage of these items shall not be allowed in the unit or common areas. These items shall be stored as far as is practical from any heating appliances. DHCD and it's RAAs reserve the right to prohibit storage of these items anywhere due to their proximity to heating equipment or the presence of fumes. It is recommended that the equipment be depleted or run out of gas prior to storage. Other items with gas tanks such as motorcycles or other motor vehicles, propane tanks for grills, gasoline or kerosene cans shall not be allowed to be stored anywhere indoors. The following exceptions are permissible by DHCD.

- Storage is in an outbuilding or shed.
- If the owner can provide written approval for storage from the Local Fire Department.
- If the storage area is a separate area only accessible through an exterior entrance
- If the area is enclosed with fireproof grade gypsum wall board and ventilated.

Outdoor storage of gasoline or kerosene cans shall not be allowed under any stairs that comprise any part of the fire egress and they shall not be placed so as to create a hazard within a child play area or within the reach of children.

16.8.5.4 Storage of Pollutants

Improper storage or disposal of used motor oil and pollutants. Improper disposal of used motor oil is a serious environmental problem. (1 quart of motor oil pollutes 1 million gallons of groundwater. That is more than a year's supply of potable water for 50 people). Retailers of motor oil are required to accept used oil for recycling. Storage is to be considered a hazard if the container is not sealed or properly covered and there is evidence of seepage or overflow. Clean up must be required. If offenders do not comply, incidences may be reported to the Massachusetts Department of Environmental Protection (MADEP).

16.8.6 Elevators (8.8)

Each RAA must adopt a follow-up procedure that ensures that all elevators receive a current inspection certificate prior to the next annual inspection. Subsequently, upon the next annual inspection, if the elevator has not been inspected in accordance with local requirements, the unit must receive a fail rating. Documentation from a qualified elevator maintenance company may also meet this requirement.

16.8.7 Site and Neighborhood Conditions (8.10)

Based upon consideration of the family composition, other site and neighborhood conditions that may fail include, but are not limited to unsecured abandoned buildings, unsound outbuildings, failed retaining walls, large hanging/broken tree branches, improper clearance of electric service lines, excess debris, junk cars and trip hazard walk or driveways. A fence or protective barrier may be required at an unprotected height, active railroad track, or a run off river.

In some instances the hazard may exist on an adjacent property not owned by the Section 8 owner.

Owners shall be notified of the following remedies:

- The owner may make the area clean or safe, or
- Construct a fence that will separate the property in question, or
- Notify, in writing, the local Board of Health of such problem and
- Provide the RAA with copies of letters that demonstrate the attempt to report the condition to the owner of the adjacent property.

16.8.8 Lead paint, Owner Certification (8.11)

All inspections for new units which will be occupied by a child under 6 years old and built prior to 1978, must include obtaining from the prospective property owner (or agent), a Letter of Compliance (LOC), a Letter of (Re)Occupancy (Re)Inspection Certification or a Letter of Interim Control, stating that the unit meets the requirements of the Massachusetts Lead Poisoning and Prevention Control Act, as amended. All

project based units (including Mod Rehab and other project based initiatives) must have full Lead Compliance documentation (no Re-Occupancy or Interim Control) since it is not known when a child under 6 years old will reside in these units and families with children must be allowed equal access to these units. The only exceptions may be for those project-based units specifically designated as "elderly housing" or single person occupancy (SRO).

All units housing children under 6 years old currently under lease must have compliance documentation. The Section 8 inspectors at RAAs do not perform lead inspections. Inspectors must, however, complete the HUD Visual Assessment Training.

Buildings constructed after 1978 do not require certification regarding lead paint. The owner may be required to submit a copy of the original Building Permit in order to verify the age of the building. If, however, the building is built prior to 1978, in the absence of a lead inspection report showing that the paint does not contain unsuitable levels of lead, the only assumption must be that the paint contains lead.

During the lease term, upon notification or knowledge of a new or additional child under 6 years old in the unit, the owner shall be given written notice by the RAA allowing 90 days to submit an LOC. A 30-day extension may be granted if an owner demonstrates a good faith effort to comply.

DHCD strongly recommends that RAAs schedule new unit inspections that require an LOC only if the LOC accompanies the Request for Tenancy Approval. This way staff time will not be wasted inspecting a unit that will not pass this requirement. Furthermore, issues of which date to begin subsidizing the unit will not arise.

If the inspection is performed prior to submission of the LOC, the lease may begin as of the date the unit otherwise passes inspection, provided the tenant is in occupancy and the LOC is a Letter of Initial Compliance which indicates that the unit did not require any abatement of lead based paint.

16.8.8.1 When Was the LOC Issued?

Lead inspections performed between July 1988 and July 1, 1990 must have been performed by an inspector registered with the Department of Public Health. Any lead inspection performed after July 1, 1990 must be performed by an inspector licensed by the Department of Public Health.

Any LOC issued prior to July 1988 must be accompanied by written approval of "grandfather" status from the Massachusetts Childhood Lead Poisoning Prevention Program (CLPPP). In order to obtain "grandfather" status, owners may be advised to forward all lead related information to:

CLPPP
56 Roland Street Suite 100
Boston, MA 02129

16.8.8.2 Letter of Re-occupancy and Letter of Interim Control

Although these are not Letters of Compliance, provided the unit passes all of HUD's HQS requirements, these documents are acceptable and a lease may begin. A Letter of Re-Occupancy certifies that the interior of the unit is in compliance. According to Massachusetts law the tenant may take (or resume) occupancy once a licensed lead inspector has issued this certification. At this point, the owner is allowed no more than 120 days from the date of issue of the Re-Occupancy Letter to provide a Letter of Compliance that confirms that all exterior work has been done. RAAs must develop a tracking procedure to ensure that expired (more than 120 days since issued) Letters of Re-Occupancy are not accepted. Inspections for these units must remain active with an on-site reinspection scheduled prior to the expiration of Re-Occupancy status to ensure compliance with Massachusetts's law.

A Letter of Interim Control certifies that there are no immediate lead hazards, such as chipping and peeling paint in the unit; therefore, according to Massachusetts' law the unit is considered safe for occupancy. A Letter of Interim Control is valid for one year, at which time the owner may renew for an additional year with the approval of a licensed lead paint risk assessor. After a maximum of two years from the date of issue the owner must submit a Letter of Compliance if the unit is still occupied by a child under the age of six. Each RAA is responsible for developing a tracking system for units under Interim Control.

16.8.8.3 Accept Original LOCs Whenever Possible

Accept only original LOCs (sample Attachment 16-B) as valid documentation whenever possible. A noted copy of the original is acceptable as well as temporarily accepting a facsimile copy contingent upon viewing the original in order to expedite a new lease or continue the HAP.

16.8.8.4 Conducting an Inspection

Prior to conducting an inspection, RAA inspectors should be informed of the presence of any children less than six years of age in the unit. If this information is not provided to the inspector by staff, the inspector must ask the family at the time of the inspection and make note on the Inspection Checklist in the space provided.

The Inspection Checklist must include a section that indicates that the owner has complied with the requirement to provide proper lead related documentation. For example, an LOC or Letter of Interim Control must be indicated as "on file" or "not applicable".

Whenever an inspection fails for defective paint the inspection report shall indicate, "treat defective paint". Owners must not be instructed to "scrape" defective paint surfaces.

16.8.8.5 Conducting an Annual Inspection When an LOC is Already on File

During an annual inspection of a unit that already has compliance documentation on file, the unit must be inspected for defective paint. In accordance with CLPPP policy, once the unit is in compliance with the Lead Law, the owner may, under certain circumstances, perform the work necessary in order to maintain compliance without

employing a licensed deleader. In many cases, this will afford owners the convenience of correcting insignificant defects in the paint themselves provided the defective paint is within HUD de-minimus standards (see 16.8.8.6). The owner is responsible to follow appropriate work practices and safety precautions and must be notified by the RAA whenever a unit fails for defective paint:

The tenant must also be notified and encouraged to co-operate with the owner in order to assure corrective work is performed safely:

16.8.8.6 HUD De-minimus Standards and Post Compliance Assessment Determination

DHCD and RAAs adhere to the Massachusetts Lead Law as an equitable level of protection to the HUD lead paint regulations. DHCD does, however, require that RAA inspectors complete HUD Visual Assessment Training and that the HUD de-minimus standards are observed.

HUD de-minimus standards are defined as:

- 20 sq. ft. of defective lead paint on exterior large surface areas combined. (walls, porch ceilings, decks)
- 2 sq. ft of defective lead paint per room on interior large surface areas combined. (walls, ceiling, floors)
- 10% defective lead paint of both exterior and interior small surface areas combined. (trim, window sills, doors, columns, railings)

If RAA inspectors determine that the area of defective lead paint is within (less than) the HUD de-minimus standards the owner/agent shall be allowed to treat and clean up the area on their own.

If the RAA inspector determines that the area of defective lead paint is beyond (more than) the HUD de-minimus standards, Post Compliance Assessment Determination by a Massachusetts licensed lead inspector must be required. Owners must consult the lead inspector prior to undertaking any correction. The protocols of Post Compliance Assessment Determination require dust wipe sampling by the licensed lead inspector after clean up, which satisfy the HUD requirement for “Clearance”.

Only those units that have valid lead compliance documentation already on file with CLPPP are eligible for Post Compliance Assessment Determination. Once the requirements are satisfied, the licensed lead inspector will issue a “Letter of Maintained Compliance” if the owner made the correction, or a “Letter of Restored Compliance” if the correction was completed by a deleading contractor. The RAA must have the Maintained or Restored Compliance document on file before the inspection can pass.

A copy of the original Lead Inspection Report which clearly indicates that the surface(s) in question has (have) been tested with a negative result will be acceptable as proof that the paint is not lead based.

16.8.8.7 If a Child has an EBL

In the state of Massachusetts, all children are required to be tested for lead poisoning on a regular basis. Public Health Inspectors of The Childhood Lead Poisoning Prevention Program are responsible for performing lead inspections and oversight of the required lead abatement in all units occupied by children under 6 with elevated lead blood levels.

If the unit is or will be occupied by a child under 6 *who is known* to have an elevated blood lead level, the RAA must maintain all available lead related information about the unit in the tenant file. The RAA must require that the owner have the unit tested with an X-ray fluorescence analyzer (XRF). A Lead Inspection performed with an XRF must indicate that all applicable surfaces with lead content exceeding 1.0 mg/cm squared have been abated up to the five-foot level. The CLPPP has agreed to utilize the XRF testing method whenever possible.

The RAA must ensure that there is coordination between Program Representatives and Inspectors to ensure that the number of children with an EBL is filled out on the inspection form. Frequently this information is provided to the Program Representatives by the family but is not subsequently conveyed to the inspector.

16.8.8.8 Unauthorized Deleading and Fraudulent LOCs

At times an inspector may suspect illegal deleading or unsafe work practices or a staff person may suspect a forged or altered LOC. Whenever any such activity is suspected it should be reported in writing to the Massachusetts Childhood Lead Poisoning Prevention Program (CLPPP) with a copy to DHCD's Housing Inspection Coordinator

16.8.9 Smoke Detectors (8.12)

HUD's Housing Quality Standard effective October 30, 1992 requires that each dwelling unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each level of the unit and in the basement. Smoke detectors should be located adjacent to sleeping areas whenever possible. DHCD further requires at least one battery-operated or hard-wired smoke detector be installed in common hallways. Any level is acceptable, however the top level is recommended.

If the unit is to be occupied by a hearing impaired person who requests that the owner install a smoke detector designed for the hearing impaired, and if the owner is willing, it must be installed in the bedroom occupied by the hearing impaired person, adjacent to or outside the bedroom. Such an accommodation by the owner shall be a consideration in the grading of the unit for use in determination of rent reasonableness.

If the tenant has access to the attic for storage on a regular basis, a smoke detector is required in the attic.

16.8.9.1 Asbestos (8.13)

Every owner shall maintain all asbestos material which is used as insulation or covering on a pipe, boiler or furnace, in good repair, and free from defects such as holes, cracks, tears, or looseness which may allow the release of asbestos dust or which may allow the release of any powdered, crumbled or pulverized asbestos material. The citation on the Inspection report must read: "Asbestos material must be maintained in good condition and free from defects".

16.9 Determining the Severity of Violations

16.9.1 Sending a 24 hour Notice for Violations

Violations that present an immediate threat to the health and life safety of the family must be corrected within twenty-four hours. The RAA must contact the owner by phone within 24 hours of citing the violation. The phone call must be followed-up in writing. If the RAA is unable to contact the owner or agent by phone or in person, the written notice must be sent by certified mail.

Confirmation that the owner or agent has proceeded to make corrective repairs or made a sufficient good faith effort to repair must take place on the next business day following the 24-hour correction period. On-site reinspection at the next reasonable scheduling opportunity is the only acceptable definitive verification that the unit is in compliance with HQS.

The Inspection Form Addendum for 24 Hour Notice (Attachment 16-C) must be used to provide written notice to the owner with a copy to the tenant. See Section 1. HQS Compliance for more information regarding determining the severity of violations and the course of action when violations are discovered.

16.10 Tenant Caused Violations

The family is responsible for a breach of HUD's HQS that is caused by any of the following:

- Failure to pay for tenant supplied utilities;
- Failure to provide and maintain a stove and/or refrigerator if required in accordance with the lease;
- Damage caused by the family or guest to unit or premises beyond ordinary wear and tear.

In instances where it is not clear or obvious that the violation is tenant caused, the burden of proof is on the owner. An owner is required by law to provide a Statement of Condition to the tenant whenever a security deposit is collected. Ask to review the Statement of Condition. If the Statement of Condition is not available, the initial inspection report may be helpful. An execution for eviction may also demonstrate that the court agrees that the tenant may be evicted and is responsible for damages to the unit. Also take into consideration whether the owner has a history or practice of violating HQS or DHCD Inspection Requirements.

The INSPECTION FORM ADDENDUM FOR TENANT CAUSED VIOLATIONS-TENANT RESPONSIBILITY (Attachment 16-D) must be used to provide written notice to the tenant. The owner must also receive a copy of the notice along with a letter of

explanation (Attachment 16-E). See Section 11.1.2.2 HQS breach caused by family, for more information regarding enforcement procedures and proper course of action when tenant caused violations are discovered.

16.11 Repeated Tenant "No Shows"

A different type of accessibility issue also occurs with some frequency. In this instance, the tenant is notified of the requirement to make his/her unit available for an inspection, and the tenant repeatedly fails to have someone home to allow the inspector access to the unit. The tenant's failure to allow access to the unit after two "no-shows", where proper advance notice has been given by the RAA and the tenant has failed to contact the agency if a conflict exists with the proposed schedule for the inspection, may result in the tenant's termination from the program.

16.12 Procedure to Follow for Inconclusive Inspections

At times the inspector cannot conclude whether an item passes inspection, and must classify an item as Inconclusive. **The unit does not pass inspection if any item is Inconclusive.** In certain cases a new lease may begin provided an on-site reinspection is performed once the tenant is in occupancy. In other cases, inspections are Inconclusive and subject to written approval by the appropriate, qualified professionals (See 16.12.1.3).

16.12.1.1 Vacant

Frequently, at initial inspection the unit is vacant and the utilities are turned off. The owner shall be urged to have the utilities turned on for the purpose of inspection. Once the unit otherwise passes inspection, the lease may begin and HAP payment can be either released or withheld until verification by an on-site reinspection to confirm the good working order of the inconclusive utility. The on-site confirmation must be performed no later than 30 days after the lease start date. Failure to comply may result in HAP suspension or contract termination.

16.12.1.2 Tenant Supplied Appliance(s)

In the case of tenant-supplied appliances, such as a refrigerator or stove, the lease may begin and the housing assistance payment can be made the date the unit otherwise passes inspection. Verification by an on-site reinspection to confirm the presence and good working order of the appliance must be performed no later than 30 days after the lease start date. Failure to correct within 5 days of notification may result in rent suspension and/or tenant termination from the program. The size of the appliances shall be appropriate for the family composition. Substituting a microwave oven for a stove shall not be acceptable unless previously approved by the RAA.

16.12.1.3 Subject to Approval

An inspector may also fail or note an item Inconclusive subject to the inspection and approval by appropriate qualified professionals such as local health, building, plumbing, electrical or fire inspectors, licensed heating/plumbing contractors, local utility companies, licensed lead paint inspectors, state certified elevator inspectors or licensed elevator maintenance companies, and licensed extermination companies. Any such written approval must be currently dated and specifically approve the questionable condition. If at any time the RAA disagrees with the decision rendered by the appropriate qualified professional or believes that the condition requires further evaluation, the RAA shall notify DHCD.

- **Certification Regarding the Safe Operating Condition of the Heating System and/or All Heating Appliances** - In accordance with Section 16.7.2.4 all heating systems must be certified as safe. The certificate may be posted on the heating unit.
- **Written Approval from a local official or a Posted Building Permit** may be required in situations where systemic or structural repairs or rehab

are in progress. Approval may also be required when systemic or structural potential hazards or other questionable conditions may exist, such as knob and tube wiring.

- A Building Permit may also verify the date the building was built. Properties built after 1978 do not require a Letter of Compliance with the Lead Law.
- A **Letter of Compliance**, a **Letter of Re-Occupancy** or a **Letter of Interim Control** is required in accordance with Section 16.8.8.
- A **Post Compliance Assessment Determination** required in accordance with 16.8.8.6.
- An **Elevator Inspection Certificate** must be posted or on file. Frequently elevator inspections are not up to date. Follow up is required in accordance with Section 16.8.6.
- **Certification** from a licensed Elevator Maintenance Company may be required to confirm the safety of an elevator that fails inspection.
- A **receipt** to verify professional extermination in cases of chronic infestation.

16.13 Adopting a Uniform Grading System for Determining Unit Quality

Each RAA must develop its own grading or points system for use in SEMAP required determination of rent reasonableness (see Attachment 16-F, Unit Grading Criteria). DHCD acknowledges that grading is a subjective task thus each RAA must stress consistent and objective standards that address the specific housing stock conditions in its region. DHCD requires each RAA to incorporate a grading system into its administrative plan.

There are several reasons for grading units. The primary purpose will be in determination of rent reasonableness and annual rent increases. Grading also serves as a valuable internal tool to assess the overall quality of housing stock and to assist in identifying marginal units. DHCD requires that all new units coming on to the program receive a documented grade. New lease ups that do not meet A, B, or C are not acceptable for the program. Only units graded “B” or higher shall be considered for participation in any Section 8 Project Based Assistance initiative. (excluding Mod Rehab)

DHCD requires that unit grades be entered into the Internet Based Inspection Audit Reporting System. It is required that RAAs document and maintain this information on file. Once a uniform grading system has been adopted and implemented by a RAA,

the current participating owners and tenants must be notified of the grading criteria and the unit grade upon inspection. New participants shall be informed at initial briefing session of the grading system. If a new unit is rejected on the basis of a D or E grade, the prospective owner shall be informed of the grade along with the grading criteria.

16.14 Marginal Unit Policy

16.14.1.1 Responding to the Problems of Marginal Units

HUD defines marginal units to be those that are likely to fall below HQS within a year. DHCD, and its RAAs recognize the problem of maintaining marginal units on the Section 8 Program. Frequently, an inspector will return to a unit and note the same condition of one or more aspects of the unit that do not cause a fail condition outright, but clearly pose the likelihood of deterioration or where a fail condition could easily occur prior to the next annual inspection. Often, repairs are made, but are themselves marginal. Failure to maintain compliance may be due to inadequate attention on the part of the owner or management agent, excess or undue wear and tear on the part of the tenant, and/or the impact of neighborhood conditions.

Tackling the problem of marginal units is difficult for several reasons. A tight housing market limits the number of units available to Section 8 tenants. Imposing more stringent inspection standards may result in owners refusing to participate making it very difficult for tenants to find housing even when available.

The following outline defines a concrete strategy to deal with issues around marginal units and identify the specific factors that contribute to these conditions. The goal of this policy is to eliminate units that only barely meet HUD's Housing Quality Standards and DHCD Inspection Requirements. These are units that remain undesirable because of how quickly they are likely to fall out of compliance.

16.14.1.2 Identifying Marginal Units

This procedure must be utilized by all RAAs when the unit clearly poses the likelihood of falling out of compliance in a short period of time and/or earns a poor grade.

The checklist FACTORS WHICH CONTRIBUTE TO MARGINAL UNIT CONDITIONS (Attachment 16-G) identifies a combination of conditions that shall be used to identify and designate a unit as marginal. These conditions are due to poor owner management and/or maintenance that must be improved by the owner. Each RAA shall add to the checklist whenever necessary to address specific conditions not listed. The RAA must also notify owners of the 2 additional required inspections that will be performed no more than 3 months apart. The consequences of repeated and regular non-compliance will be contract termination.

16.14.1.3 Steps to Follow

1. Annual or Audit Inspection:

PASS - even though the unit passes inspection it may still be determined marginal. If so, complete and send to the owner and tenant "Factors Which Contribute to Marginal Unit Conditions" (Marginal Checklist). The tenant must be given a moving packet and counseled regarding relocation at this time. See Step 3 to proceed.

FAIL - owner is given the usual 30-day opportunity to correct. The quality and extent of improvement is unknown until reinspection.

2. Annual or Audit Reinspection:

The reinspection must take place no more than 30 days after the Annual or Audit Inspection. Once the unit has passed the reinspection yet is determined to be marginal, complete and send to the owner and tenant "Factors Which Contribute to Marginal Unit Condition". The tenant must be given a moving packet and counseled regarding relocation at this time.

3. 1st Marginal Unit Inspection:

This inspection must be scheduled no more than 3 months after the Annual or Audit reinspection has passed. Use the regular Inspection Checklist along with the Marginal Checklist. Indicate on the Marginal Checklist the inspection results in the space provided at the bottom. Note any improvements under comments on the Marginal Checklist. If no change - indicate no change.

4. 1st Marginal Unit Reinspection:

The reinspection must take place no more than 30 days after the first Marginal Unit inspection. Indicate the inspection results in the space provided at the bottom. Note any improvements under comments on the Marginal Checklist. If no change - 1st Marginal Unit Inspection. Use the regular Inspection to indicate no change. The RAA has the discretion to schedule the reinspection sooner, 10 or 15 days for example.

5. 2nd Marginal Unit Inspection:

This inspection must be scheduled no more than 3 months after the 1st Marginal Unit Reinspection has passed. Use the regular Inspection Checklist along with the Marginal Checklist. Indicate the inspection results in the space provided at the bottom. Note any improvements under comments on the Marginal Checklist. If no change - indicate no change.

6. Termination or Additional Optional Marginal Unit Inspections:

Finally, after the second Marginal Unit Inspection is complete, the RAA must assure a review by a designated staff member.

If the two additional inspections have **FAILED** with no change in marginal unit conditions and the owner has failed to respond or take action to the satisfaction of the RAA, the subsidy contract must be terminated with no follow-up reinspection.

However, if an owner can show good cause for failure to correct, termination at this time may be too extreme a result. An owner should not be unfairly penalized where violations are attributable to an abusive tenant and the owner can demonstrate efforts to work with the tenant. Units that show marked improvement, evidence of a more prompt management pattern, or where the owner submits a documented long-term improvement plan, further follow-up inspections may be allowed.

16.15 Conducting an Initial Inspection While the Unit is still occupied

Sometimes it is just not possible or practical to wait until a unit is vacant to perform an inspection. In this instance, which is left to the judgment of the RAAs, DHCD will permit occupied units to be inspected. The following conditions must be met:

- Since the tenant in occupancy may have no affiliation with the Section 8 program, it is recommended that the owner/management agent be present during the inspection.
- In order to begin a lease, a complete inspection must be performed. In accordance with HUD's HQS, all checklist items must be confirmed as pass. No lease can begin on a contingency basis. Under limited circumstances HUD has approved an Inconclusive rating for specific items as outlined in Section III
- If the occupants' possessions prevent a complete inspection, inaccessible areas must be rated "fail". It is the owner's responsibility to assure that all areas are accessible in order to complete the inspection.
- If necessary, a reinspection may be performed while the unit is still occupied. If the unit passes the reinspection, a lease may begin as soon as possible. Bear in mind this will depend on the tenant's ability to take occupancy.
- Once a lease has begun or the unit has become vacant a complete inspection must be performed again in no more than 30 days in order to confirm that the previous tenant left the unit without damage which would cause the unit to fail and to review any conditions the tenant may have concerns about.

16.16 Waivers

The WAIVER REQUEST FORM (Attachment 16-H) must be used to request a waiver of any HQS or DHCD Inspection Requirement.

DHCD **cannot** waive any of HUD's Housing Quality Standards; however, DHCD will review any request for such waiver and when appropriate DHCD will seek HUD permission to waive certain requirements, in order to facilitate a lease-up that would not compromise the health or safety of the occupants. These waiver requests **must** be made through DHCD.

DHCD **can** waive its own DHCD Inspection Requirements. Waiver requests should be forwarded to DHCD's Housing Inspection Coordinator. As a general rule, DHCD will not readily provide waivers to its inspection requirements, unless a compelling case can be argued in favor of granting such a waiver.

It is mandatory that both the owner and the tenant sign the Waiver Request acknowledging that approval of the waiver request does not in any way negate the owner's responsibility under the law and that in all circumstances it is the owner's responsibility to maintain the property to meet all applicable state and local Codes and not to interfere with a tenant's right to request an inspection by the local Code Enforcement Agency.

Waiver Requests must be approved and signed by the RAA Inspection Supervisor or the Program Manager prior to submission to DHCD. Although the circumstances of owners and tenants often determine approval or disapproval of a waiver request, it is not up to owners and tenants to decide when the request for a waiver from DHCD is warranted. The Inspection Supervisor or Program Manager must concur that a request for a waiver is warranted and beneficial for the family.

16.17 Audits

Three percent (3%) of all units under lease are audited each year. DHCD's Inspection Coordinator conducts audits and also requires each RAA to perform internal audits of units each quarter. DHCD includes an RAA's internal audit inspections as counting toward its 3% annual audit goal. The results are used to determine which RAAs need additional training, and when necessary which RAAs must be sanctioned for failure to improve in this area of program operation.

Audits are selected either from units recently brought onto the program or from units recently reinspected and passed inspection. Along with individual unit audit inspections, DHCD recommends regular "windshield tours" whereby individual unit selections can be made based on a preliminary viewing of building exterior, common areas and neighborhood conditions. DHCD fixes the number of unit audits that must be performed and the DHCD Inspection Coordinator may increase or decrease the required number for any RAA based on the previous year's performance. RAA unit audits must be conducted in the same manner and format as a DHCD unit audit.

To select units for the audit inspection each RAA must submit a complete list of units that have passed inspection each quarter to the DHCD Inspection Coordinator for

random selection. Tenants who remain in the same unit previously audited may be excluded for up to 2 years so as not to create an imposition to the tenant. After DHCD has made selections the RAA may select from the remaining list for in house audits.

All audit results by both DHCD and RAAs must be entered quarterly into the DHCD internet-based Audit Reporting System. All violations must show a designation for either "Staff Oversight" or "Maintenance Fail". RAAs are required to enter all follow up reinspection results as a pass or termination date for both DHCD and themselves as the inspections close out. Both quarterly and annual audit reports of results are available from the system showing both staff and maintenance fail totals as a percentage of the units audited. The system also allows results to be generated for individual inspectors. Unit grades are required to be entered so that the quality of the housing stock participating in the program can be monitored.

All RAAs are required to furnish the following information for all selected audit inspections:

- The inspection checklist filled out with both tenant and owner information and address including zip code.
- A copy of the previous inspectors report and identity.
- The type of lead paint documentation and date issued if applicable.
- The current family composition of record.
- The specific program designation.

The inspection checklist and attendant correspondence must be maintained separately in an audit file.

The RAA must report its results on the DHCD Quarterly Management Report.

As with DHCD Inspection Audits, internal audits must be reviewed with staff inspectors and analyzed in order to determine areas of weakness, need for additional training or other administrative action.

All fail items must be categorized as "Staff Oversight" or "Maintenance". (The numbers of fails due to staff oversight are the primary measure of an inspector's effectiveness.)

Overall and individual "S" and "M" failure rates are calculated within the audit reporting system.

Whenever poor audit results are a trend, the number of audit inspections must be increased.

Any comments disputing DHCD audit determinations should be submitted in writing within 7 days prior to the completion of the Quarter.

16.18 Sanctions

HUD reserves the right to impose administrative fee sanctions on any RAA which receives greater than 20% audit failure rate on HUD audits. If HUD sanctions any DHCD RAA, DHCD will withhold the designated amount of money from the RAA, and will use the money to satisfy the HUD sanction. DHCD also reserves the right to impose administrative fee sanctions on any RAA maintaining consistently poor DHCD unit audit results (that is greater than 25% unit audit failure); that fails to follow the required inspection format established by DHCD; that consistently fails to respond to DHCD audit findings in a timely manner; or that fails to maintain current data in DHCD's Audit Reporting System. DHCD will provide prior notice to any RAA being considered for DHCD-imposed sanctions, and will provide a prescribed period of time in which the RAA can demonstrate improved performance.

16.19 Training

The DHCD Inspection Coordinator performs training programs throughout the year. These sessions will focus on those areas that the DHCD inspection audit results indicate additional follow-up is required as well as provide more advanced inspection training in significant areas of housing quality standards. Additionally, DHCD may request that the RAA inspector who performed the original (re)inspection of an audited unit, accompany DHCD during the audit. This time may be used to do one-on-one training, answer questions, and discuss issues. Periodically, DHCD may invite HUD staff to participate in training sessions, in order to provide a HUD perspective and methodology.

DHCD will make an effort to be available upon request, to train new RAA inspectors as they come on board. However, if the DHCD Inspection Supervisor is unavailable, it is the RAA's responsibility to train new inspection staff before they may do inspections on their own and it is the responsibility of each RAA to ensure that all new inspectors complete the required HUD Visual Assessment Training for Lead Based Paint.

16.20 Additions and Amendments

Additional DHCD Inspection Requirements, HUD's Housing Quality Standards, and amendments to this plan may be added from time to time. Further, modifications to existing DHCD Housing Quality Requirements may be made from time to time. Any additional unusual circumstances should be referred to DHCD in order that DHCD and the RAA can together make the most reasonable determination on how to resolve such matters.

16.21 List of Attachments

- 16-A Inspection Checklist (2 pages)
- 16-B Sample Letter of Full Deleading Compliance
- 16-C Inspection Form Addendum for 24 Hour Notice (Owner Notification)
- 16-D Inspection Form Addendum for Tenant-Caused Violations (Tenant Notification)
- 16-E Letter to Owner With Notice of Tenant-Caused Violations
- 16-F Unit Grading Criteria (3 pages)
- 16-G Marginal Unit Checklist (2 pages)
- 16-H Waiver Request Form

17 HQS Compliance

17.1 Determining the Severity of the Violation(s)

Each unit must pass inspection once a year, at least 30 days before the anniversary date of the lease. At any other time, inspections can occur at the request of the tenant or owner, or as a result of unit audit inspections performed by the RAA, DHCD or HUD. There are FOUR types of violations that could be discovered during a unit inspection.

17.1.1 Serious HQS Violations

Violations that present an immediate threat to the family's health or safety and must be corrected within twenty-four hours. The unit is uninhabitable until the repairs are completed.

17.1.2 Other HQS Violations

Violations that could affect the family's health or safety if not corrected within a reasonable amount of time, or other violations that do not affect health or safety.

17.1.3 New HQS Violations

Violations cited subsequent to the initial, failed annual, or other inspection. The new fail item(s) must be treated as a separate failed inspection, with all the ensuing remedies or sanctions, without impacting the prescribed course of action in progress.

It is extremely important that the RAA communicate to the owner that any new violations noted at each re-inspection must be cited. The RAA must make every effort to ensure that initial inspections are thorough, to minimize the possibility of finding new HQS violations upon re-inspection.

17.1.4 Other Deficiencies

Other deficiencies are those that are not HQS violations; are not life threatening; and, do not affect the family's health & safety. These deficiencies should be corrected at some reasonable future date or they could easily deteriorate into more serious violations. Other deficiencies should always be noted to help avoid security deposit claim issues that may arise when the family vacates.

17.2 Course of Action When Violations are Discovered

This section addresses violations the owner is responsible for correcting. Treatment of tenant caused HQS violations is addressed in section 11.1.2.2. An owner is not required to correct tenant caused HQS violations caused by any of the following:

- Failure to pay for tenant-supplied utilities
- Failure to provide and maintain tenant-supplied appliances
- Damage caused by family or guest to unit or premises (beyond ordinary wear & tear).

These procedures must be followed by the RAA at any time staff discovers that one or more HQS are not being met. When a unit is out of compliance several key factors should be collectively considered to determine an appropriate course of action:

- Severity of the violations;
- Number of violations;
- Length of time violations remain outstanding;
- Owner's or tenant's good faith effort to make repairs;
- Past repair history of owner; and,
- Whether the non-compliance is tenant-caused.

17.2.1 Serious Violations

The RAA must contact owner or agent by phone and inform them of need to make the repairs within 24 hours. The phone call must be followed-up in writing. If the RAA is unable to contact the owner or agent by phone or in person, written notice must be sent by certified mail.

Confirmation that the owner or agent has proceeded to make corrective repairs or made a sufficient good faith effort to repair must take place on the next business day following the 24-hour correction period. On-site re-inspection at the next reasonable scheduling opportunity is the only acceptable definitive verification that the unit is in compliance with HQS.

If the violations have not been corrected satisfactorily, the owner and family should be notified that the HAP payment will terminate immediately, i.e., as of the date of the re-inspection. The notice will state that the HAP payment will resume only after repairs have been satisfactorily corrected; and, that the HAP payment will be pro-rated on the number of days the unit is in compliance beginning with the date of a subsequent satisfactory re-inspection. If the unit is in compliance upon re-inspection and the owner can document an earlier repair completion date, the HAP payment may resume as of that actual compliance date.

When termination of HAP payment occurs, the family should be immediately advised:

- To seek competent legal counsel relative to continued payment of their rent share. RAA's must not attempt to provide legal advice to tenants.

- That the RAA may have to terminate the HAP contract and that if the HAP Contract is terminated, the RAA will issue the family a new subsidy and provide the family with a list of available units on file at the RAA.
- That the family may assume responsibility for the full rent amount and lease the unit in question without further assistance by the RAA.

If the repairs are completed on or before the next HAP payment date, the payment should be reduced by the per diem amount of the rent that reflects that period of time in which the unit was not in compliance. For example:

- April HAP payment of \$300 has been paid.
- April 4, inspector verifies serious leak in ceiling from an upstairs apartment where pipe had burst.
- Owner notified, in person and in writing, to correct within 24 hours.
- On April 6, inspector returns and notes that only minimal work has been done to repair damage to family's unit, and leak still continues.
- Owner is sent a notice that the HAP payment will be terminated, effective immediately, and continuing until the repairs are completed.
- Family is advised to seek legal counsel relative to their rent share.
- On April 15, unit is re-inspected and all work is completed.
- Owner is notified that the HAP payment for May will be reduced by \$100.00, that is \$10 per day ($\$300/30 = \10) for the 10 days the unit was in non-compliance (from April 6-15).
- Family's legal counsel should advise family of any further action on tenant's share.

If repairs are not completed before the next HAP payment check is to be mailed, no payment may be sent to the owner. When the owner indicates that repairs have been completed and the inspector can verify this, a pro-rated share of the subsidy may be paid from the date the inspector approved the unit.

Depending upon the nature of the serious violation, if repair(s) are not completed promptly, the RAA should terminate the HAP contract when it becomes apparent that the owner will not cooperate in making the necessary unit corrections. The RAA should not allow more than 10 days for serious HQS violations.

17.2.2 All Other HQS Violations

Immediately upon completion of the inspection, the owner must be provided with written notice outlining the corrective action to be taken and possible penalties for failure to comply. If the owner is present at the inspection any fail items and the necessary corrective action should be discussed at that time.

The owner should be given a reasonable amount of time to make the necessary repairs, usually 30 days. During this time, the HAP payment continues without penalty.

Re-inspect the unit on, or immediately after, the required completion date. An on-site re-inspection is the only acceptable verification of HQS compliance.

If work has been completed no further action is necessary and the HAP payment will continue uninterrupted.

If work has not been completed, the inspector should attempt to determine why. Does the owner have a legitimate need for more time? Is the owner making a good faith effort to meet his obligations, but having difficulty meeting the RAA schedule? Are there seasonal considerations? Is the family cooperating? Depending upon the inspector's assessment of the situation relative to the RAA's written policy and required criteria four options are available:

17.2.2.1 Options When Work is not Completed Satisfactorily

17.2.2.1.1 Terminate HAP Payment

The RAA will notify the owner, in writing, that:

- a) The HAP payment will stop effective immediately;
- b) Payments will not resume until the repairs are completed; and,
- c) No retroactive payment will be made for the period of time the HAP payment is terminated.

(See discussion of HAP payment termination in part 17.2.1, Serious Violations.)

17.2.2.1.2 Grant a "No-penalty" Extension of Time to Complete Repairs

During the extension period, the HAP payment may either continue uninterrupted OR be withheld until completion of repairs and paid in full retroactively.

Pay Full HAP payment

In very limited (RAA-predetermined) circumstances, an owner may continue to receive the full subsidy during the course of an approved "No Penalty" extension. At the end of the extension period, if work is not completed, the RAA has the following options:

- Terminate the HAP payment; or
- Grant an additional "with penalty" extension; or
- Grant an additional "no penalty" extension; or
- Terminate the HAP contract.

Generally, mitigating circumstances are the only reason for granting an additional "no-penalty" extension. The Owner must be able to document the mitigating circumstances. The documentation must be attached to the inspection supervisor's approval, and maintained in the family's file.

Withhold HAP payment and reimburse in full when all work is completed

In limited (RAA-predetermined) circumstances, the HAP payment may be withheld and paid in full retroactively if the unit is brought into compliance by the repair deadline. At the end of the extension period, if work is not completed, the inspection supervisor must decide whether to:

- Grant an additional "no penalty" extension; or
- Terminate the HAP contract; or,
- Grant an additional "with penalty" extension and withhold and reduce the HAP payment in accordance with section 17.2.2.1.3.

17.2.2.1.3 Grant a "With Penalty" Extension of Time to Complete Repairs

During a "with penalty" extension period, the HAP payment **must** be withheld. Upon completion of repairs a partial, retroactive HAP payment will be made to the owner. If the owner does not complete the repairs, the HAP payment will be terminated as described in 17.2.2.1.1 above.

Generally, the appropriate response to a failed re-inspection is to withhold and reduce the HAP payment during the extension period. The HAP payment reduction may range from 2% to 100%. When the repairs are complete, the RAA may make a partial retroactive payment. If the repairs are not completed by the end of the extension period, either the HAP contract will terminate **or**, if the owner can show cause why additional time is needed, the subsidy will continue to be withheld until the repairs are made.

Withholding HAP payment during an extension period is a good inducement for an owner to complete the repairs. It demonstrates that the RAA is serious about seeing the repairs are completed. Instead of rewarding the owner with the full HAP payment during an extension, the HAP payment is withheld and the owner is able to receive a reduced portion only when the repairs are made. This mechanism recognizes a "diminished value" of the rental property while the repairs are outstanding, consistent with Massachusetts state law.

If the subsidy is withheld, the family should be advised to seek legal counsel with respect to appropriate rent withholding procedures under Massachusetts state law.

Sixty days from the date of the initial fail, or approved extension, if the unit remains in non-compliance, steps should be taken to terminate the HAP contract. The RAA must send written notice to both the family and the owner advising them of the date of the contract termination (give an effective date of not more than 30 days from the date of the notice), at which point the family will become a tenant-at-sufferance and the RAA will no longer be responsible for the rent. Again, the family needs to be made aware that once the contract is terminated, if they wish to retain their assistance, they must locate a Section 8 approvable unit within 120 days or an approved extension of the termination effective date. They should also be again urged to seek legal counsel regarding their rights and responsibilities as a tenant-at-sufferance in a non-compliant unit.

When considering whether to withhold the HAP payment, the RAA must make the following decisions:

How much to withhold?

There is no one formula to follow when making this determination. It is a good idea to check with the closest regional Housing Court to determine how judges make these same determinations. Or, an RAA may establish a schedule of percentages that reflect the approximate worth of individual features in an apartment, and use these percentages when calculating a reduced subsidy payment. Each RAA must ensure that any schedule it develops is fair and that a consistent procedure is followed. Each RAA must develop a written policy that defines its method of making these determinations. This policy must be approved by DHCD and incorporated into the RAA's administrative plan.

During an extension how does an RAA decide whether to keep making the full HAP payment or to withhold the HAP payment?

Each DHCD Section 8 Program Director must ensure that these decisions are being thoughtfully, reasonably, and consistently implemented. Having more than one option to rely upon if required work is not completed in a timely manner is one of the key features of DHCD's Section 8 program. This option allows each RAA to comply with HUD and DHCD requirements without having to take a rigid, bureaucratic position each time repairs are not made as required. It allows RAAs to encourage owners to get their work done, without having to cut off their HAP payment entirely. This is consistent with the rental owner's expectations under Massachusetts's law.

17.2.2.1.4 Terminate the HAP Contract

Although the HAP payment is suspended immediately, a 30-day notice of intent to terminate the HAP contract for non-compliance is recommended to alert the family to the impending condition of being "on the clock". The family must be issued a new subsidy and informed that in order to retain their rental assistance they must locate a new, approvable unit generally within 120 days of the contract termination date. The notice must also advise the family to seek legal counsel regarding their rights and responsibilities as a tenant-at-sufferance in a non-compliant unit. Provided that the HAP payment had not been terminated, the owner may receive a partial payment of the withheld subsidy pro-rated from the date of suspension to the effective date of the contract termination: this is consistent with our recognition of the "diminished value" of the property.

The owner and family must be notified, in writing, of the selected course of action and the new repair deadline and re-inspection date, or contract termination date included therein.

17.2.3 New Violations

A violation that is cited for the first time at a re-inspection (regardless of whether it had previously been overlooked by an inspector **or** had occurred subsequent to the initial failed inspection) does not automatically trigger an extension. The owner and tenant must be notified, in writing, of the new fail item(s), the new fail repair deadline, and the new fail re-inspection date **without** impacting the progress of the initial fail.

17.2.4 Other Unit Defects That are not HQS Violations

There are no sanctions or penalties for these unit defects. These defects should be noted on the inspection form, and a copy given to both the family and owner for their records. Owners should be encouraged to make the repairs so that they will not turn into violations at a later date.

17.3 HQS - Unit Remains in Extended Non-compliance

1. When a unit fails inspection, the RAA must notify the owner immediately of the time allotted to perform the repairs.
2. The unit must be re-inspected to determine if the repairs have been done. On-site re-inspection is the only acceptable means of verification.
3. If repairs have not been completed, the procedures outlined in section 17.2 should be followed. The owner must be notified in writing of any action being taken.
4. The RAA must have an internal review system for cases where the unit has been in extended non-compliance (even if a no-penalty extension has been granted). The internal review system should allow certain decisions to be examined by someone in the RAA not previously involved in the case when non-compliance exceeds three months.
5. All HAP suspensions of over three months must be listed on the quarterly report to DHCD.
6. When a decision is made to suspend HAP payments, the case must be reviewed on a monthly basis. The person who originally made the decision to suspend the subsidy may do the monthly review.
7. After three months of suspended HAP payment, if the repairs have not been completed, the HAP Contract should be terminated. If there are mitigating circumstances, a decision may be made not to terminate the HAP Contract. The decision should be discussed with a staff person not previously involved in the case, to strategize over future action if the suspension will be continued for longer than three months.
8. After six months of suspended HAP payments, the case must be submitted to DHCD for review. A history of the case should be submitted, including what steps have been taken to review the case internally, and an explanation of why the HAP Contract has not been terminated.
9. Whenever the HAP payment is suspended the family must be notified in writing. The notice to the family must state that:
 - a) The HAP payment has been suspended.
 - b) If the owner continues to neglect the repairs, the RAA may terminate the HAP Contract.
 - c) If the HAP contract is terminated the RAA will cease to be responsible for the contract rent. If the family remains in place after the effective date of

the HAP contract termination, it will be as a tenant-at-sufferance. The family will be issued a subsidy and given the maximum amount of time (generally 120 days) to find a new unit. If the family remains in place and the subsidy expires they will lose all rental assistance benefits. The family must move in order to retain its assistance. The family may move prior to the effective date of the contract termination, provided proper notice is given to the owner and the RAA.

- d) The family is advised to seek legal counsel on paying its rent share during the period of suspension. It is advisable that the family continues to pay rent if it chooses not to consult an attorney.
 - e) If the family pursues a court action against the owner instead of moving, it must notify the RAA. If the family chooses not to move because of a pending court action, and subsequently loses in court, the RAA should seek DHCD guidance on how to handle the case. If the family prevails in court, DHCD will reinstate the family in the unit in question, not in another unit (provided the unit passes inspection).
 - f) The family remains obligated to give proper notice to both the owner and the RAA before moving.
10. When a decision is made to terminate a HAP Contract, the family should be issued a subsidy. The effective date of the subsidy should coincide with the effective date of the HAP Contract termination, although the subsidy may be issued prior to the termination date. The family should again be advised to seek legal counsel regarding payment of rent.

If a case is in litigation, or if the Board of Health is taking action against the owner, but the HAP Contract would otherwise be terminated, DHCD will refer the case to its Counsel for a decision on whether to terminate the HAP Contract. The RAA should send written request for such referral to DHCD's Bureau of Federal Rental Assistance. The referral should include a brief summary of the case.

An RAA may be reluctant to terminate a HAP Contract because of the consequences for the family. While DHCD realizes that termination of the HAP Contract will probably force the family to move, we should not allow assisted tenants to live in substandard housing indefinitely. If a vacant unit fails inspection, we do not allow a family to live there: our standards for in-place tenants should not be significantly different. Furthermore, it is unfair to tie up a subsidy beyond the prescribed time if it cannot be utilized according to program requirements.

18 Family Unification Program

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Family Unification Program (FUP).

The policies and procedures set forth in this plan will achieve two important DSS and DHCD program objectives: to maintain a regional distribution of FUP vouchers to ensure ongoing availability in all areas of the Commonwealth; and, to ensure rapid utilization of vouchers.

As of January 1, 1995, DHCD expanded the FUP statewide.

The FUP has a limited number of Section 8 vouchers available for DSS clients that meet the following eligibility requirements.

18.1 Eligibility Criteria

A FUP eligible family is one that:

1. The DSS has certified is a family for whom the ***lack of adequate housing*** is a primary factor in the imminent placement of the family's child, or children, in out-of-home care, or in the delay of discharge of a child or children, to the family from out-of-home care; AND
2. Has substantially complied with all DSS service plan tasks and the lack of adequate housing is either the only remaining barrier to unification or will be the primary cause for imminent placement of the children in out of home care; AND
3. The RAA has determined is eligible for Section 8 rental assistance.

18.1.1 Lack of Adequate Housing

Lack of adequate housing means:

1. A family is living in substandard or dilapidated housing; or
2. A family is homeless; or
3. A family is displaced by domestic violence; or
4. A family is living in an overcrowded unit; or
5. A family is living in housing not accessible to its disabled child or children due to the nature of the disability.

18.1.1.1 Substandard Housing

An applicant is living in substandard housing if the unit:

1. Is dilapidated;
"Dilapidated" means the unit does not provide safe and adequate shelter, and in its present condition endangers the health, safety or well being of a family, or the unit has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. The defects may

involve original construction, or they may result from continued neglect or lack of repair, or from serious damage to the structure.

2. Does not have operable indoor plumbing;
3. Does not have a usable flush toilet inside the unit for the exclusive use of the family;
4. Does not have a usable shower or bathtub inside the unit for the exclusive use of the family;
5. Does not have electricity or has inadequate or unsafe electrical service;
6. Does not have a safe or adequate source of heat;
7. Should, but does not have a kitchen; or
8. Has been declared unfit for habitation by an agency or unit of government.

18.1.1.2 Homeless

A “homeless family” includes any person or family that:

Lacks a fixed, regular, and adequate nighttime residence; and also

Has a primary nighttime residence that is:

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);
2. An institution that provides a temporary residence for persons intended to be institutionalized; or
3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

18.1.1.3 Involuntarily Displaced Due to Domestic Violence

The applicant has vacated a housing unit because of domestic violence; or the applicant lives in a housing unit with a person who engages in domestic violence.

“Domestic violence” means actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant’s household.

For an applicant to qualify under this category the actual or threatened violence must have occurred recently or be of a continuing nature and the applicant must certify that the person who engaged in such violence will not reside with the applicant family.

18.1.1.4 Living in an Overcrowded Unit

A family is considered to be living in an overcrowded unit if:

1. The family is separated from its child (or children) and the parent(s) are living in an otherwise standard housing unit, but, after the family is re-united, the parents’ housing unit would be overcrowded for the entire family and would be considered substandard; or
2. The family is living with its child (or children) in a unit that is overcrowded for the entire family and this overcrowded condition may result in the imminent placement of its child (or children) in out-of-home care.

DSS occupancy standards will be used to determine whether the unit is overcrowded.

18.1.1.5 Other Eligibility Criteria

Applicants must have an open DSS case at the time of referral; at the time of application; at the time of selection; and, at the time a subsidy is issued.

18.2 Outreach & Referrals

DSS and DHCD will periodically conduct training sessions for all DSS staff to inform them of the purpose of the program, the availability of subsidy, and how to make referrals.

18.2.1 DSS Area Office Referrals to the FUP

DSS Area Offices will refer applicants to the FUP waiting list by submitting a “Referral Form/Certification of Eligibility” (Form attached at end of this section) to the RAA. If there are less than 25 applicants from that region on the waiting list, the referral will be placed on the waiting list. If there are 25 applicants already on the waiting list, the referrals will be returned to DSS by the RAA; however, DSS may resubmit the referral at a later date. An applicant can only be on DHCD’s waiting list once. Multiple referrals will be rejected.

Referral forms must be submitted to the appropriate RAA. See the attachment at the end of this section for a list of each RAA and the communities they serve.

Upon selection from the waiting list the RAA will forward the referral directly to either the DSS Central Office (for Boston only) or to the Regional DSS Office screening staff to complete the “Certification of Eligibility”. The Central/Regional Office screening staff will make the final determination of the family’s eligibility for the FUP. The Central/Regional Office screening staff will be responsible for notifying the RAA and the DSS Area Office designees, in writing, of the applicant’s eligibility or ineligibility. If the applicant is ineligible, the RAA will inform the applicant, in writing, of the denial by DSS and of their right to contact DSS for further information. If the applicant is eligible, the RAA will contact the applicant and ask them to complete a detailed Section 8 application. The RAA will perform a standard Section 8 eligibility check including but not limited to income verification, eligibility status in conformance with Section 18.1, household composition, eligible immigration status, and where applicable, CORI status. Verification of preference/eligibility will be required in accordance with Section 3 of this plan.

Referrals will not be forwarded to the DSS Central/Regional Office to complete the Certification of Eligibility until the applicant is selected from the FUP waiting list.

18.2.2 Housing Agency Referrals to DSS

There may be limited instances where, if a Section 8 applicant appears to be eligible for the FUP, DHCD’s RAA will refer the applicant to the DSS Central Office screening staff. DSS Central Office staff will contact the assigned social worker and inform him/her of the referral to the FUP and the program eligibility requirements. If the assigned social worker can verify eligibility and supports the FUP referral, he/she

will forward to Central Office the ‘Referral Form/Certification of Eligibility’. The applicant will be placed on the waiting list if the regional maximum has not been exceeded.

18.3 Waiting List- Management, & Selection

DHCD has created a single waiting list and admissions tracking system for the FUP. The list is maintained by each RAA that manages the FUP. The RAAs are responsible for a majority of admissions functions, including but not limited to: receiving referrals from DSS, entering data, maintaining and updating the waiting list, and mailings to applicants.

All applicants will be placed on the FUP waiting list by the date and time the referral is received. If the waiting list is open for DHCD’s HCVP, the applicant will also be placed on that list if they are not already on it. If a referral is received by FAX, the date/time that the FAX was received may be used when entering the applicant onto the waiting list. If the referral is not faxed it must be date/time stamped by the RAA. Incomplete referrals will be returned to the referring agency by the RAA. An applicant will not be placed on the FUP waiting list until the referral is complete.

Due to the limited number of FUP subsidies available, the number of referrals placed on the waiting list will be restricted to 25 from each RAA region. Therefore, the total number of applicants on the waiting list at any time will not exceed 225. Once the maximum number for a given RAA region has been reached, the RAA waiting list manager(s) will not accept the referral and will not place the applicant on the waiting list. If an RAA receives a referral for an applicant that lives out of its region, the referral should be returned to the referring DSS office with instructions on where it should be sent.

There may be instances where because of delays in the application process on either the part of the applicant or DSS, the RAA may choose to issue to a subsequent referral for the (first) available subsidy. In such cases, the RAA will document clearly in the applicant file why such a decision was made. The applicant who is skipped will be issued the next available FUP subsidy provided they submit the required documentation.

Targeted public notice will be given through the DSS Area Offices and the list will be open for the purpose of accepting referrals only for families that DSS has certified are eligible to participate in the FUP.

18.3.1.1 Portability

If a FUP applicant moves out of the initial RAAs region, the applicant must be absorbed by the receiving RAA with a FUP voucher when one becomes available. If a FUP voucher is not available, the receiving RAA must bill the issuing RAA until such time as a FUP voucher is available. This procedure will prevent over-issuance of FUP subsidies and will maintain the regional allocation.

18.3.1.1.1 Moves out of State

In order for DSS to remain involved with the families accepted to the FUP, portability out-of-state will not be permitted in the first year. On a case-by-case basis and in consultation with the DSS domestic violence unit, exceptions may be made for applicants admitted due to domestic violence.

18.3.2 Residency Preference

A regional residency preference for selection will be applied to all FUP applicants. The residency preference areas are the administrative areas of DHCD's RAAs.

Applicants are assigned a regional designation based on the address provided in the referral form.

If an applicant family is living in a shelter or other temporary residence, the location of their last permanent residence may be used for the purpose of establishing a residency preference. All applicant requests for a change of regional designation must be made in writing. See Section 3.4.4.1 - change in regional designation.

18.3.3 Selecting Applicants

Applicants will be selected in order by date of application with a regional ranking preference applied. When a FUP subsidy is available in any RAA jurisdiction, the first eligible applicant in that region will receive the subsidy. If there is no eligible applicant in that region, the RAA will inform the DSS Area Office(s), in writing, of the availability of a subsidy and request a regional referral. If the DSS Area Office(s) does not make a referral within two weeks of having been informed of the availability of a subsidy, the RAA will select the next eligible person on the list regardless of region. DSS and the RAA will work closely regarding the disposition of all applications.

In accordance with 24 CFR 982.201(e) information verifying family eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When all eligibility verification is complete an applicant briefing is conducted and a Section 8 subsidy is issued. DSS social workers are welcome to attend all Section 8 related functions with their clients and are encouraged to help them locate suitable and safe housing.

18.4 Appeals

DHCD's RAAs are responsible for defending their eligibility decisions, pertaining to the family's eligibility for FUP Section 8 rental assistance. Informal hearing procedures will be utilized and shall be as set forth in Section 9.

The DSS is responsible for defending its family eligibility determinations and a similar informal hearing procedure will be utilized.

18.5 On-going Considerations

The agency and individuals carrying primary responsibility for the provision of ongoing services to the family will be responsible to identify and access needed appropriate support services. The Department of Social Services will remain involved with families accepted to the program for a period of between six months and one year from the date of occupancy in order to provide supportive services and ensure that family stability is maintained in the new dwelling.

All FUP subsidies will be issued to other FUP eligible applicants upon turnover.

RAAs will participate in all required evaluations, and will be prepared to maintain additional data on these clients, as required by HUD and/or DSS.

After a subsidy is issued, DSS will inform the RAA of any changes in the family's situation or composition, such as the permanent removal of children from the household.

18.6 Attachments

DSS Referral Form/Certification of Eligibility

RAA Administrative Areas & Contacts

19 Housing Options Program

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Housing Options Program (HOP).

19.1 Program Overview

The purpose of the Housing Options Program (HOP) is to provide housing assistance to persons of very low income living with disabilities, who are homeless or at risk of homelessness. HOP is an integral part of a continuum of care that provides permanent housing for homeless persons with disabilities who are ready to live independently. HOP is targeted to homeless persons moving out of transitional housing in order to make beds available within the homeless service system.

- Priority 1:** Homeless disabled persons in transitional housing programs
- Priority 2:** Homeless disabled persons in shelters, streets, or places not meant for human habitation
- Priority 3:** Otherwise homeless disabled persons

HOP is a collaborative effort of the Massachusetts Department of Housing and Community Development (DHCD) and the following state human service commissions: the Massachusetts Department of Mental Health (DMH), the Massachusetts Department of Mental Retardation (DMR), the Massachusetts Department of Public Health (DPH), the Massachusetts Executive Office of Health and Human Services (EOHHS), and the Massachusetts Rehabilitation Commission (MRC). Each participating state human service commission commits funds to support direct services and the activities of a Lead Service Agency (LSA). This unique program combines 345 Section 8 vouchers with support services. The HOP subsidies are allocated by disability with appropriate support services provided to each disability group.

For the purposes of the HOP Administrative Plan, an agency that is directly responsible for the provision of support services to a HOP participant is referred to as a "vendor."³

19.1.1 Interagency Advisory Team

The Interagency Advisory Team (IAT) is made up of representatives of DHCD, EOHHS, DMH, DMR, DPH, MRC, HomeStart (formerly the Greater Boston Housing Initiative (GBHI)), JRI Health (JRI), the Metropolitan Boston Housing Partnership (MBHP), the Massachusetts Housing Finance Agency (MHFA), and representatives of non-profit housing and service agencies working with homeless people with

³ The vendors involved in HOP include: DMH, DMR, MRC, HomeStart, and JRI.

disabilities. The IAT is responsible for the management of support services funding, the development of HOP policies and procedures, and the general oversight of the program.

DMH, on behalf of all participating funding agencies, serves as the key agency responsible for the procurement and contracting with the Lead Service Agency (LSA). The LSA is responsible for the day-to-day HOP management.

JRI was selected as the LSA by the IAT, through a competitive Request For Proposal process coordinated by DMH. JRI's overall role is to provide clients with the most direct access to services and housing, and to facilitate successful tenancies. For the majority of HOP participants, JRI conducts outreach, manages referrals, initiates intake and assessment, conducts eligibility screenings, secures housing search and counseling services, and provides overall case coordination, follow-up, and monitoring. JRI works closely with the DHCD regional administering agency, MBHP, for housing referral, screening, administration, and placement. After securing housing placement, on-going stabilization services are provided by a variety of vendors depending on the nature of the disability(ies) and the geographic location selected by the program participant. JRI assures each participant continued access to services via regular contact with vendors providing direct service. During their tenancy, program participants have direct access to JRI to provide them with any assistance they may need in obtaining services or in changing vendors.

19.2 Eligibility Criteria

All HOP participants must meet each of the program eligibility criteria listed below.

19.2.1 Disability Status

Either the head of household or spouse must have a primary disabling diagnosis in order to be eligible for HOP. Eligible diagnoses include:

- Primary disability of chronic mental illness as defined by eligibility criteria for DMH and eligible to receive services from DMH
- Primary disability which is HIV related or has an AIDS diagnosis
- Primary disability of substance abuse, and receiving services from HomeStart or eligible to receive services from HomeStart
- Primary disability of mental retardation and eligible to receive services from DMR
- Primary disability, which is a brain injury and eligible for services from the Statewide Head Injury Program (SHIP)
- Primary disability that is a physical and cognitive impairment and eligible for MRC's "Turning 22" program, "Supported Living Program," or other independent living services
- Clients of MRC's Protective Services Program
- Otherwise disabled persons including people who meet the Section 8 definition of Disability and are not currently a client of any state agency, or eligible for the services of any state agency (referred to as *otherwise disabled*)

19.2.2 Income Guidelines

All HOP applicants must meet the HUD's income guidelines for the Section 8 Housing Choice Voucher program.

19.2.3 Preference

All applicants must meet DHCD's Substandard Housing/Homeless Preference as defined in Section 3.

19.2.4 Need for Services

All applicants must demonstrate a need for the services provided through HOP and be willing to accept those services.

19.3 Outreach

The IAT assumes overall responsibility for directing outreach efforts. Each vendor conducts targeted outreach to transitional programs and shelters. Referrals from the general public are also accepted. JRI works with all applicants to ensure that they can conveniently access the program. JRI continually monitors outreach efforts to ensure that vendors are providing adequate assistance to clients in the preparation of the required application and necessary documentation.

19.4 Waiting List Management, Referrals, & Selection

The 345 HOP subsidies are allocated by disability, as determined by the IAT, with a vendor committed to providing support services to each disability group. It is the responsibility of the IAT to establish a subsidy allocation plan and amend it as necessary.

Total Subsidy Allocation

Disability	Vendor	Subsidy Allocation
Chronic Mental Illness	Department of Mental Health	195
Mental Retardation	Department of Mental Retardation	20
Substance Abuse	HomeStart (formerly the Greater Boston Housing Initiative)	60
HIV-Related/AIDS	JRI Health	30
Brain Injury/Physical or Cognitive Impairment	Massachusetts Rehabilitation Commission	20
Otherwise Disabled	JRI Health	20
TOTAL:		345

19.4.1 Vendor Waiting List Management

There is a waiting list for each disability group consisting of prescreening applications collected by each vendor. Each vendor is responsible for establishing the policies and procedures that govern the management of their waiting list. However, applicants who

meet the criteria for HOP Priority 1 are given a ranking preference over those who meet the criteria for HOP Priority 2 or 3. Applications will be selected from the vendor waiting list to be placed in the JRI referral pool in order to maintain an adequate number of completed applications in the referral pool.

19.4.2 Referrals

All HOP referrals are assessed for program eligibility by a HOP vendor or a local service provider before being sent to JRI. This assessment includes an evaluation of eligibility for HOP (i.e., housing status, income guidelines, and disability verification) and the completion of an intake assessment form.

JRI is responsible for establishing and maintaining a referral pool of already screened, eligible applicants for whom a completed application⁴ and related documentation have been received by JRI and are thus ready for referral to MBHP when a subsidy becomes available. This referral pool will be organized chronologically by date received, within the three priorities. Vendors may consult with JRI to determine how many referrals to keep in the referral pool based upon historical attrition of their clients from the program. Each vendor will attempt to maintain the agreed-upon number of completed HOP applications in the JRI referral pool at any given time. When a subsidy becomes available, an appropriate referral will be made from JRI to MBHP from the JRI referral pool.

MBHP will enter all JRI referrals onto DHCD's waiting list/admissions tracking system by date/time the referral is received.

19.4.3 Selection

In accordance with 982.201(e) information verifying applicant eligibility must be obtained by MBHP no more than 60 days before the applicant is issued a subsidy.

When all eligibility verification is complete a subsidy is issued, all normal Section 8 procedures take place, beginning with a briefing session. Service providers are welcome to attend all Section 8 related functions with their clients and are encouraged to help them locate suitable and safe housing.

There may be instances where because of delays in the application process on either the part of the applicant, vendor, or JRI, MBHP may issue to a subsequent referral the (first) available subsidy for that disability group. In such cases, MBHP will document clearly in the applicant file why such a decision was made. The applicant who is skipped will be issued the next available HOP subsidy from that disability group provided they meet all eligibility criteria and submit the required documentation.

⁴ For purposes of the HOP Administrative Plan, a completed application includes: a pre-screening application, intake assessment form, signed Program Participation Agreement, signed CORI release, letter from service provider documenting applicant's housing status, and birth certificate or immigration documentation, and income verification documentation (e.g., letter from Social Security office, employment pay stubs, etc.).

19.4.4 Selection of the Designated Vendor for an Available Subsidy

When a subsidy becomes available, JRI is responsible for designating which vendor may use this subsidy and notifying that vendor of the subsidy's availability. However, when a vendor becomes aware of a potential subsidy turnover they are responsible for notifying JRI immediately.

19.4.5 Selection when a Subsidy Becomes Available Upon Turnover

Within 5 business days of a voucher becoming available, MBHP notifies JRI by fax and phone of this availability. JRI is responsible for notifying the appropriate vendor of this availability. Within 4 business days of learning of the available voucher, JRI will review the HOP referral pool and determine the next appropriate applicant through the following process:

- JRI will review the Referral pool to determine if the designated vendor who will use the available subsidy has any applicants in the pool (for prioritization, see Section 19.4.1). If so, the oldest application will be forwarded to MBHP for review within 5 business days.
- If the designated vendor has no viable applicants in the JRI Referral pool, the designated vendor has 5 business days to submit a referral (i.e. pre-screened application) to JRI. After completing the referral, the designated vendor has 5 additional business days to submit that referral's completed application to the JRI Referral pool for review. JRI will forward this completed application to MBHP for review within 5 business days.
- If the designated vendor does not submit a completed application for an eligible candidate to JRI within the 10 business days specified above, then JRI will select the oldest application from the JRI Referral pool (for prioritization, see Section 19.4.1) for any vendor who is 100% issued. JRI will forward this application to MBHP for review within 5 business days.

19.4.6 Selection of a Designated Vendor when the Subsidy is "On Loan"

If the available subsidy is on loan from another vendor, and that vendor is currently 100% issued and would like to obtain the subsidy, then the available subsidy is returned to the original vendor at turnover.

If the available subsidy is on loan from another vendor, and that vendor is not fully issued, the available subsidy may continue to be used by the borrowing vendor.

19.5 Support Services

JRI and the IAT guarantee that the various needs of HOP participants will be addressed. Services are coordinated through the members of the IAT with oversight and case coordination provided by JRI.

19.5.1 Initial Intake and Assessment

The vendor or local service agency making the referral is also responsible for conducting an initial intake and assessment during the prescreening process. If

necessary, JRI may choose to conduct a subsequent interview to determine the availability of support services. This assessment may include a discussion of past tenancy-related problems and a review of available entitlements and support programs.

19.5.2 Housing Search

All selected participants will receive assistance with locating appropriate housing, initiating contact with property owners, and executing leases. This service is provided through an existing network of housing counseling contracts in the Greater Boston area. JRI is responsible for providing assistance with housing search for: MRC clients, persons living with HIV/AIDS, otherwise disabled persons, some DMH clients as agreed upon between DMH and JRI, and those persons with substance abuse issues through a subcontract with HomeStart. All other vendors, specifically DMR and the remaining DMH, are responsible for conducting their own housing search.

19.5.3 Housing Stabilization

Each vendor is responsible for providing housing stabilization services, such as budgeting, paying bills, lease compliance, and orientation to the community. JRI provides housing stabilization services to HOP participants living with HIV/AIDS, those who are otherwise disabled, and some DMH clients, as agreed upon between DMH and JRI. JRI also provides housing stabilization services to persons who have substance abuse issues through a subcontract with HomeStart. MRC and DMR, as well as the remaining DMH, are responsible for providing housing stabilization services to their consumers.

19.6 Appeals

MBHP is responsible for defending its eligibility decisions, pertaining to the person's eligibility for HOP Section 8 rental assistance. Section 8 informal hearing procedures will be utilized and shall be the same as currently in effect for Section 8 participants, as set forth in the DHCD Administrative Plan for Certificates and Vouchers.

JRI and the participating HOP vendors are responsible for making their consumers aware of the grievance procedure employed by that vendor. These grievance procedures should detail a mechanism for defending service eligibility determinations including informal hearing procedures.

19.7 Portability

19.7.1 Initial Year In-State Restriction

HOP applicants will be restricted to leasing within the Commonwealth of Massachusetts for their initial year in the program (see 24 CFR 982.353). After the initial year, HOP participants are free to lease outside of the Commonwealth. When such an out-of-state lease occurs, the participant will no longer be considered part of the HOP program and the subsidy will be available to re-issue provided that the receiving agency absorbs the voucher.

19.7.2 Transfers

If a HOP applicant or participant moves out of MBHP's region, the receiving RAA will temporarily add one HOP voucher to its allocation and absorb the applicant or participant. MBHP will simultaneously lose one HOP voucher. In order for JRI to coordinate services, MBHP and the receiving RAA must immediately report all transfers to JRI, as well as to DHCD on the quarterly report.

When the transferring participant terminates from HOP, the receiving RAA must inform MBHP and JRI. Both MBHP and the receiving RAA will return to their original allocations.

19.8 Grant Compliance

As the official applicant and recipient of HUD funding for HOP, DHCD maintains ultimate accountability to HUD for the successful administration of HOP including grant implementation and enforcement, as well as the final resolution of procedural and policy-related matters not specifically defined in statute or regulation. DHCD reserves the right to periodically conduct reviews and audits of participant client files as related to eligibility and housing contracts.

Each participating HOP agency agrees to respond to requests for data and/or information in a timely manner.

19.9 Reduction or Termination of Subsidies

DHCD reserves the right to reduce or terminate the number of Section 8 HOP vouchers made available through the HOP program, under the following circumstances: 1) program outcomes are not satisfactory; 2) there is not a sufficient demonstrated need for the subsidies; 3) the program is not being administered efficiently nor effectively; or 4) other problematic program issues arise.

19.10 Evaluation

19.10.1.1 Follow-up

Each vendor has developed and is responsible for administering a client satisfaction survey to all HOP participants in its portfolio. In addition, JRI will conduct follow-up evaluations on all clients housed through HOP. The follow-up evaluations review the level of services the client is receiving, his satisfaction and security in his home, and his ability to meet the terms of the lease, including the ability to financially maintain the unit. During the entire length of a participant's tenancy, he will have direct access to JRI to provide him with any assistance he may need in obtaining services or changing vendors.

JRI is responsible for ensuring that vendors or commissions conduct follow-up on their respective program participants to determine that they are receiving the appropriate level of services and if they are meeting the terms of the lease. JRI is also responsible for notifying the appropriate public or private agencies when services are not provided or are inadequate to meet the need of the client.

MBHP and JRI will participate in all required evaluations, and will be prepared to maintain additional data on HOP clients, as required by DHCD, HUD and/or DMH, DPH, MRC, DMR, or EOHHS.

20 Veterans Administration Supported Housing Program

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Veterans Administration Supported Housing Program.

20.1 Program Overview

The Veterans Administration Supported Housing Program (hereinafter referred to as "VASH") provides 62 Section 8 vouchers to very low-income, homeless veterans with psychiatric or substance abuse disorders. The VASH program is a collaborative project among DHCD, the agency that administers the rental subsidies; the Bedford Veterans Administration Medical Center (VAMC), the agency that coordinates and manages the support services; and the Northeast Program Evaluation Center (NEPEC), the agency that correlates and evaluates the data. VASH is also an integral part of the Commonwealth's housing continuum that provides permanent housing for homeless persons.

20.2 Eligibility Criteria

20.2.1 Veteran

Applicants must be veterans.

20.2.2 Homelessness

Applicants must have been either living in a shelter, in a transitional housing program, or on the street for at least 30 days.

20.2.3 Psychiatric or Substance Abuse Disorder and Treatment

- Applicants must be diagnosed with either a psychiatric or substance abuse disorder.
- Applicants must be psychiatrically stable with no incidence of violence within the past year.
- Applicants must demonstrate the motivation and willingness to participate in the VASH program and complete the NEPEC research paperwork.

20.2.4 Income Guidelines

- Applicants must meet the HUD's income guidelines for the Section 8 Housing Choice Voucher program.

20.2.5 Verification of Eligibility

NEPEC is responsible for initial eligibility determination. VA staff complete the "X" Outreach Form and submit to NEPEC for homelessness and disability eligibility determination. If applicant is found by NEPEC to be eligible, then the applicant is screened and evaluated by a VASH screening committee at the Bedford VAMC for

VASH services. If found eligible for VASH services, the applicant is then referred to the RAA to complete eligibility verification for all other Section 8 requirements.

In accordance with 24 CFR 982.201(e), information verifying applicant subsidy eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When verification of eligibility is complete, a subsidy is issued and all normal Section 8 procedures take place, beginning with a briefing session. If accepted, then the applicant is expected to attend weekly VASH meetings.

20.3 Outreach

The Bedford VAMC conducts outreach to VA sponsored or affiliated inpatient and outpatient programs, as well as other community based programs.

20.4 Wait List Management & Selection

The Bedford VAMC maintains the VASH waiting list. The VAMC will refer VASH-eligible applicants to the appropriate DHCD RAA. The RAA will enter all VASH referrals onto DHCD's waiting list/admissions tracking system by the date and time the referral is received.

If, a VASH voucher is available and there are no identified VASH-eligible referrals, then the voucher will be issued to the next eligible applicant on the RAAs HCVP waiting list. The RAA must track these vouchers and make a VASH voucher available when a VASH eligible applicant is referred.

There may be instances where because of delays in the application process, a RAA may issue to a subsequent applicant the (first) available subsidy. In such cases, a RAA will document clearly in the applicant file why such a decision was made. The applicant who is skipped will be issued the next available VASH subsidy provided they meet all eligibility criteria and submit the required documentation.

20.5 Support Services

The Bedford VAMC is responsible for providing case management services, outpatient health services hospitalization and other assistance on a regular basis, as needed.

20.5.1 Housing Search

VASH applicants will receive housing search assistance from a VASH case manager.

Each RAA must provide applicants with housing search assistance that includes, at a minimum: a list of available units in the area and a list of landlords who are familiar with the Section 8 program that may have units available. Where available, applicants will have access to RAA's Resource Rooms which contains listings of available units, a computer to access listings on the Internet, local newspapers, and telephone participants can use during housing search. In addition, the RAA will refer applicants

to its regional Housing Consumer Education Center (HCEC) to assist in housing search.

20.6 Appeals

The Bedford VAMC is responsible for making applicants aware of their appeals procedure. These appeals procedures should detail a mechanism for defending service eligibility determinations.

RAAs are responsible for defending its decisions pertaining to the person's eligibility for Section 8 rental assistance. Section 8 appeal procedures will be utilized and shall be the same as currently in effect for the Housing Choice Voucher Program, as set forth in Section 9.

20.7 Portability

20.7.1 Initial Year In-State Restriction

VASH applicants will be restricted to leasing within the Commonwealth of Massachusetts for their initial year in the program (see 24 CFR 982.353). After the initial year, VASH participants are free to lease outside of the Commonwealth. When such an out-of-state lease occurs, the participant will no longer be considered part of the VASH program and the subsidy will be available to re-issue provided that the receiving agency absorbs the voucher.

20.7.2 Transfers

If a VASH applicant or participant moves out of the initial RAA's region, the applicant or participant must be absorbed by the receiving RAA with a VASH voucher if one is available. If a VASH voucher is not available, the receiving RAA will temporarily add one VASH voucher to its allocation. The initial RAA will simultaneously lose one VASH voucher from its allocation. In order for the Bedford VAMC to coordinate services, the initial and receiving RAAs must immediately report all transfers to the Bedford VAMC, as well as to DHCD on the quarterly report.

When a VASH voucher becomes available at the receiving RAA, the receiving RAA must inform the initial RAA and the Bedford VAMC. Both the initial and receiving RAAs will return to their original allocations.

20.8 Grant Compliance

As the official applicant and recipient of HUD funding for VASH, DHCD is accountable to HUD for the successful administration of VASH including: grant implementation and enforcement, and the final resolution of procedural and policy-related matters not specifically defined in statute or regulation.

- DHCD will periodically conduct reviews and audits of participant files as related to eligibility and housing contracts.
- Each RAA must ensure that all VASH vouchers are issued to other eligible disabled applicants upon turnover.

- RAAs will participate in all required evaluations, and will be prepared to maintain additional data on these clients, as required by HUD and/or DHCD.
- DHCD is responsible for coordinating all contracts and contacts with HUD regarding the VASH Program.

20.9 Reduction or Termination of Subsidies

DHCD reserves the right to reduce or terminate the number of Section 8 VASH vouchers made available through the VASH program, under the following circumstances: 1) program outcomes are not satisfactory; 2) there is not a sufficient demonstrated need for the subsidies; 3) the program is not being administered efficiently nor effectively; or 4) other problematic program issues arise.

21 Project Based Assistance for Persons Living with HIV/AIDS

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Project Based Rental Assistance for Persons Living with HIV/AIDS Program.

21.1 Program Overview

The Project Based Rental Assistance for Persons Living with HIV/AIDS Program (hereinafter referred to as "PBRA AIDS") provides Section 8 housing assistance to very low-income persons, who are either HIV positive, have AIDS, or at high risk for HIV infection and would benefit from HIV related counseling and services. This program utilizes 38 project-based Section 8 subsidies and is administered only in Springfield by HAP Inc., and in Boston by MBHP. PBRA AIDS is an integral part of the Commonwealth's housing continuum that provides permanent housing for persons with disabilities.

Project	Management	Aids Service Organization	Unit no. & size
Hemenway, Boston	Fenway Lodging House	AIDS Action	2 SRO
Bowdoin, Boston	Boston Citywide Land Trust	AIDS Action	8 SRO
Mass. Ave., Boston	Renwood PWA L.P.	AIDS Action	7 SRO
Worthington, Roxbury	AIDS Action	AIDS Action	4 SRO
Edgewood, Roxbury	Renwood PWA L.P.	Dimock	1 3BR, 2 4BR
Walnut, Roxbury	Renwood PWA L.P.	Dimock	8 2BR
Imani, Springfield	Northern Educational Services	Northern Educational Services	6 SRO

Local AIDS service organizations (ASOs) provide intake, assessment, and linkage to other service providing agencies throughout the Commonwealth. Persons accepted into the program also receive supportive services from the ASOs including case management, substance abuse and relapse prevention support, mental health support, housekeeping assistance, and assistance in arranging for respite care, day care, and transportation.

21.2 Eligibility Criteria

21.2.1 HIV/AIDS

At least one person in a household must be either HIV positive, diagnosed with AIDS, or (for Imani only) at high risk for HIV infection and would benefit from HIV-related counseling and services. The ASO is responsible for determining that a person meets the aforementioned eligibility criteria.

21.2.2 Income Guidelines

All PBRA AIDS applicants must meet the HUD's income guidelines for the Section 8 Housing Choice Voucher program.

21.2.3 Preference

All eligible applicants must meet a DHCD preference. These preferences are outlined in Section 3.

21.2.4 Supportive Services

All PBRA AIDS applicants must be able to utilize supports and/or services provided by local ASOs, which will screen applicants and conduct intake interviews.

21.3 Ongoing Outreach

RAAs and the local ASOs will all conduct outreach to local aids organizations and/or local substance abuse programs to identify eligible applicants for the PBRA AIDS program.

21.4 Wait List Management & Selection

Each ASO will maintain the PBRA AIDS waiting list for their specific project site. When a vacancy becomes available the respective ASO will refer the applicant at the top of their waiting list to the respective RAA. The RAA will enter the referral onto DHCD's waiting list/admissions tracking system by the date and time the referral is received.

21.5 Verification of Eligibility

In accordance with 24 CFR 982.201(e), information verifying applicant eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When verification of eligibility is complete, a subsidy is issued and all normal Section 8 procedures take place, beginning with a briefing session.

21.6 Appeals

RAAs are responsible for defending its decisions pertaining to the person's eligibility for the PBRA AIDS program. Section 8 appeal procedures will be utilized and shall be

the same as currently in effect for the Housing Choice Voucher Program, as set forth in Section 9.

The ASOs are responsible for informing applicants of the grievance procedure employed by their respective agencies. These grievance procedures should detail a mechanism for defending service eligibility determinations including informal hearing procedures.

21.7 Grant Compliance

As the official applicant and recipient of HUD funding for PBRA AIDS, DHCD is accountable to HUD for the successful administration of PBRA AIDS, including: grant implementation and enforcement, and the final resolution of procedural and policy-related matters not specifically defined in statute or regulation.

- DHCD will periodically conduct reviews and audits of participant files as related to eligibility and housing contracts.
- Each RAA must ensure that all PBRA AIDS units are filled by other eligible applicants upon turnover.
- RAAs will participate in all required evaluations, and will be prepared to maintain additional data on these clients, as required by HUD and/or DHCD.
- DHCD is responsible for coordinating all contracts and contacts with HUD regarding the PBRA AIDS Program.

22 Tenant Based Assistance for Persons Living with HIV/AIDS

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Tenant-Based Rental Assistance for Persons Living with HIV/AIDS Program.

22.1 Program Overview

The Tenant-Based Rental Assistance for Persons Living with HIV/AIDS Program (hereafter referred to as "TBRA AIDS") provides Section 8 housing assistance to very low-income persons living with HIV/AIDS. This program utilizes 229 tenant-based Section 8 vouchers and is administered throughout the Commonwealth by DHCD's Section 8 regional administering agencies (RAAs). TBRA AIDS is an integral part of the Commonwealth's housing continuum that provides permanent housing for persons with disabilities.

The Department of Public Health uses Housing Opportunities for Persons with AIDS (HOPWA) funds to support a lead service agency, JRI Health, which provides intake, assessment, and linkages to other service providing agencies throughout the Commonwealth. Persons accepted into the program also receive supportive services from local AIDS service organizations, including housing search, case management, substance abuse and relapse prevention support, mental health support, housekeeping assistance, and assistance in arranging for respite care, day care, and transportation.

22.2 Eligibility Criteria

22.2.1 Disability Status

At least one person in a household must be disabled due to HIV or diagnosed with AIDS. JRI will determine through a physician's certification that a person meets the aforementioned eligibility criteria.

22.2.2 Income

All TBRA AIDS applicants must meet the HUD's income guidelines for the Section 8 Housing Choice Voucher program.

22.2.3 Preference

Applicants must meet a DHCD preference. These preferences are outlined in Section 3.

22.2.4 Supportive Services

All TBRA AIDS applicants must be able to utilize supports and/or services provided by local AIDS service organizations, which will screen applicants and conduct intake interviews.

22.3 Outreach

RAAs, JRI, and the local AIDS service organizations will all conduct outreach to local AIDS organizations and/or local substance abuse programs to identify eligible applicants for the TBRA AIDS program.

22.4 Wait List Management & Selection

JRI will accept referrals from the local AIDS service organizations and others. JRI will place these referrals on a TBRA AIDS waiting list specific to each RAA and the corresponding geographic region.

When a TBRA AIDS voucher is available to issue, the RAA will contact JRI for a referral. The RAA will place the referral on the TBRA AIDS waiting list/admissions tracking system by the date and time the referral is received. Incomplete referrals will be returned to JRI.

There may be instances where because of delays in the application process, a RAA may issue to a subsequent applicant the (first) available subsidy. In such cases, a RAA will document clearly in the applicant file why such a decision was made. The applicant who is skipped will be issued the next available TBRA AIDS subsidy provided they meet all eligibility criteria and submit the required documentation.

22.5 Verification of Eligibility

In accordance with 24 CFR 982.201(e), information verifying applicant eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When verification of eligibility is complete a subsidy is issued and all normal Section 8 procedures take place, beginning with a briefing session.

22.6 Housing Search

Either the local AIDS service organization or JRI, through the Community Housing Innovations Program (CHIP), will provide applicants with housing search assistance.

Each RAA must provide applicants with housing search assistance that includes, at a minimum: a list of available units in the area and a list of landlords who are familiar with the Section 8 program that may have units available. Where available, applicants will have access to RAA's Resource Rooms, which contain listings of available units, a computer to access listing on the Internet, local newspapers, and telephone

participants can use during housing search. In addition, the RAA will refer applicants to its regional Housing Consumer Education Center (HCEC) to assist in housing search.

22.7 Appeals

RAAs are responsible for defending its decisions pertaining to the person's eligibility for TBRA AIDS Section 8 vouchers. Section 8 appeal procedures as set forth in Section 9 will be utilized.

JRI and the local AIDS service organizations are responsible for informing applicants of the grievance procedure employed by their respective agencies. These grievance procedures should detail a mechanism for defending service eligibility determinations including informal hearing procedures.

22.8 Portability

22.8.1 Initial Year In-State Restriction

TBRA applicants will be restricted to leasing within the Commonwealth of Massachusetts for their initial year in the program (see 24 CFR 982.353). After the initial year, TBRA participants are free to lease outside of the Commonwealth. When such an out-of-state lease occurs, the participant will no longer be considered part of the TBRA program and the subsidy will be available to re-issue provided that the receiving agency absorbs the voucher.

22.8.2 Transfers

If a TBRA AIDS applicant or participant moves out of the initial RAA's region, the applicant or participant must be absorbed by the receiving RAA with a TBRA AIDS voucher if one is available. If a TBRA AIDS voucher is not available, the receiving RAA will temporarily add one TBRA AIDS voucher to its allocation. The initial RAA will simultaneously lose one TBRA AIDS voucher from its allocation. In order for JRI to coordinate services, the initial and receiving RAAs must immediately report all transfers to JRI, as well as to DHCD on the quarterly report.

When a TBRA AIDS voucher becomes available at the receiving RAA, the receiving RAA must inform the initial RAA and JRI. Both the initial and receiving RAAs will return to their original allocations.

22.9 Grant Compliance

As the official applicant and recipient of HUD funding for TBRA AIDS, DHCD is accountable to HUD for the successful administration of TBRA AIDS, including: grant implementation and enforcement, and the final resolution of procedural and policy-related matters not specifically defined in statute or regulation.

- DHCD will periodically conduct reviews and audits of participant files as related to eligibility and housing contracts.

- Each RAA must ensure that all TBRA AIDS vouchers are issued to other eligible applicants upon turnover.
- RAAs will participate in all required evaluations, and will be prepared to maintain additional data on these clients, as required by HUD and/or DHCD.
- DHCD is responsible for coordinating all contracts and contacts with HUD regarding the TBRA AIDS Program.

22.10 Reduction or Termination of Subsidies

DHCD reserves the right to reduce or terminate the number of Section 8 TBRA AIDS vouchers made available through the TBRA AIDS program, under the following circumstances: 1) program outcomes are not satisfactory; 2) there is not a sufficient demonstrated need for the subsidies; 3) the program is not being administered efficiently nor effectively; or 4) other problematic program issues arise.

22.11 Attachments

Referral form for TBRA

23 Raising the Next Generation Program

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Raising the Next Generation Program.

23.1 Program Overview

The Raising the Next Generation Program (hereinafter referred to as "RNG") provides 50 Section 8 vouchers to very low income, near elderly or elderly persons responsible for raising children or dependents under the age of 18 in the Metropolitan Boston area. The RNG program is targeted to those families who can live independently within the community, but, due to their unique family composition, need special support services, designed for both elderly persons and young children, in order to achieve and maintain successful tenancies. The RNG program is a unique collaboration between the DHCD, the agency that administers the rental subsidies, and Boston Aging Concerns Young and Old United (BACYOU), the agency that coordinates and manages the support services. DHCD's Regional Administering Agencies (RAAs) for the Boston and Greater Boston regions are directly responsible for administering the Section 8 vouchers.

23.2 Eligibility Criteria

23.2.1 Family Composition

23.2.1.1 Head of Household

Applicant families must include a head of household that is near elderly or elderly as defined by HUD. According to 24 CFR 5.403, "near elderly" is defined as a person who is at least 50 years of age but below the age of 62 and "elderly" is defined as person who is at least 62 years of age.

A ranking preference will be given to those applicant families where the head of household is 62 years of age or older (i.e., elderly).

23.2.1.2 Dependents

Applicant families must include at least one dependent. For the purposes of the RNG program, a dependent is defined as a person, other than the family head of household or spouse, who is under the age of 18.

23.2.1.2.1 Custody of Dependent

To be an RNG eligible family, the head of household must have physical custody of a dependent, which will reside with the head of household. The custody must be of an indefinitely extending term. Custody will be established by:

- Permanent legal custody; or
- Court-appointed custody; or
- Documented and verified residence with the head of household for at least one year, or since birth (for children under the age of one year).

Custody must be verified by:

1. *One* of the following forms of documentation:

- Probate court records
- Juvenile court records
- Adoption decree
- Records from the Massachusetts Department of Social Services (DSS) regarding foster-adopt/adoption finalization
- Records from DSS regarding foster care/kinship placement

OR

2. *Two or more* forms of the following documentation:

- Massachusetts Department of Transitional Assistance records
- Social Security Administration records
- Massachusetts Department of Public Health records regarding Mass Health or Medical Security plan
- Tax records
- School records
- Letter from private adoption agency or attorney citing kinship-adoption finalization

Those applicant families that are comprised of three or more intact familial generations must be required to provide multiple pieces of documentation.

For the purposes of the RNG program, the dependent *may not be* the biological child of the head of household. Adoptive children *will not be* allowed except for those that are part of a Kinship adoption.⁵ Foster children *will not be* allowed except for those that are kinship care placements within the Department of Social Services system.

⁵ Kinship Adoption is defined as a permanent kinship arrangement under which a relative has become the primary caregiver to a child by legal adoption.

23.2.2 Need for Services

Applicant families must demonstrate a need for the services provided through the RNG program by BACYOU or other appropriate community agencies. Please see Section 23.6 for a description of these services.

Applicants must be willing to sign a Raising the Next Generation Program Participation Contract (see Attachment 1)

23.2.3 Income

All RNG applicants must meet HUD's income guidelines for the Section 8 Housing Choice Voucher program.

23.2.4 Preference

All eligible applicants must meet a DHCD preference. These preferences are outlined in Section 3.

23.3 Outreach

23.3.1 Initial Outreach

Initial outreach for RNG was conducted in three phases. The first phase was targeted to elderly persons (i.e. persons age 62 and older) on Metropolitan Boston Housing Partnership's (MBHP), which is DHCD's subcontractor, existing Section 8 waiting list, who had reported more than one family member on their MBHP Section 8 pre-application. The second phase was targeted to all other persons on MBHP's existing Section 8 waiting list, who had reported more than one family member on their Section 8 pre-application. The third phase was targeted to specifically identified agencies located in the city of Boston and selected surrounding communities that serve RNG eligible families.

23.3.2 Ongoing Outreach

BACYOU is responsible for conducting all on-going outreach for the RNG program, including but not limited to: creating outreach materials, recruitment of applicants, receiving RNG pre-applications, screening applicants, entering data, making RNG referrals to MBHP, and providing housing referral or housing search and placement services to program participants. BACYOU will work with all applicants to ensure access to the program and will continually monitor outreach efforts to ensure that there is adequate assistance to clients in the preparation of the required applications and necessary documentation. Applicants who submit incomplete pre-applications will be notified of this fact by BACYOU and given the opportunity to resubmit their pre-application.

23.4 Waiting List Management & Selection

23.4.1 Waiting List Management

The RNG waiting list will be maintained as a subset of MBHP's HCVP Section 8 waiting list/admissions tracking system and will be maintained by MBHP. The date and time of MBHP's receipt of the completed referral form from BACYOU will be used when determining the applicant's position on the RNG waiting list.

Due to the limited number of RNG subsidies available, the number of referrals from BACYOU placed on the RNG waiting list will be restricted to 25. Once the maximum number has been reached, MBHP will not accept any additional referrals and will not place additional applicants on the waiting list. All persons who submit a RNG pre-application who do not receive a space on the waiting list will be notified by MBHP in writing of this fact and their RNG pre-application discarded.

MBHP is responsible for periodically updating the RNG waiting list. This can be done by sending letters to applicants on the waiting list requesting that the applicant indicate that s/he is still interested in the RNG program. Applicants not responding to such updates will be dropped from the list.

23.4.2 Selection

Elderly applicants on the RNG waiting list will be given a ranking preference.

Upon selection from the RNG waiting list MBHP will conduct a Section 8 eligibility screening including: completion of a Section 8 application; income verification; verification of federal preference; citizenship review; CORI check; and verification of age and family composition.

There may be instances where because of delays in the application process on either the part of the applicant or BACYOU, MBHP may issue to a subsequent referral for the (first) available subsidy. In such cases, MBHP will document clearly in the applicant file why such a decision was made. The applicant who is skipped will be issued the next available RNG subsidy provided they submit the required documentation.

23.5 Verification of Eligibility

In accordance with 24 CFR 982.201(e), information verifying applicant eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When verification of eligibility is complete a subsidy is issued and all normal Section 8 procedures take place, beginning with a briefing session.

23.6 Support Services

BACYOU has primary responsibility for: 1) the provision of ongoing services by directly providing the services or by establishing linkages with appropriate community agencies; and 2) helping participants access needed appropriate support services throughout the family's involvement in the RNG program.

23.6.1 Intake and Assessment

BACYOU is responsible for conducting an intake and assessment during the prescreening process. This assessment may include a discussion of past tenancy-related problems and a review of available entitlements and support programs.

23.6.2 Housing Search

Housing search services will be provided with the goals of securing appropriate housing and achieving successful tenancies. Housing search assistance will be directly provided by BACYOU or by an existing network of housing search programs, which operate in the Greater Boston area.

All selected participants will receive housing search assistance in the form of: information and referral; housing counseling; identification of appropriate housing options; initiating contact with property owners; and executing leases. Referrals will be made to provide rental and moving assistance when necessary.

MBHP must also provide applicants with housing search assistance that includes, at a minimum: a list of available units in the area and a list of landlords who are familiar with the Section 8 program that may have units available. Applicants will also have access to MBHP's Resource Room, which contains listings of available units, local newspapers, and a telephone for participants to use during housing search. In addition, the RAA will refer applicants to its regional Housing Consumer Education Center (HCEC) to assist in housing search.

23.6.3 Housing Stabilization

BACYOU is responsible for directly providing or coordinating housing stabilization services needed by RNG participants, which include lease compliance and referral for supportive services, income benefits and other community resources. BACYOU will refer participants for support services provided by identified providers in the community, including, but not limited to: legal, health care, educational, family and children, youth, and peer support in the form of grandparents support groups.

23.7 Appeals

MBHP is responsible for defending its decisions pertaining to the person's eligibility for RNG Section 8 rental assistance. Section 8 appeal procedures as set forth in Section 9 will be utilized.

BACYOU is responsible for justifying its family eligibility determinations and a similar appeal procedure will be utilized. Applicants determined to be ineligible will

be notified in writing and will be informed of their right to appeal that decision. If the applicant would like to appeal the decision, he will be instructed to contact BACYOU's Grandfamilies Housing Advocate within ten (10) business days of the date of the denial of eligibility letter. An informal review regarding eligibility will then be scheduled within seven (7) business days of the date of the applicant's request. BACYOU's Grandfamilies Housing Advocate and the applicant will attend the review. Applicants will be given the opportunity to provide written and oral information, which he believes may influence the original eligibility decision. The content of the informal review will be documented through written or tape-recorded records. The final eligibility decision will then be provided to the applicant within five (5) business days of the date of the review.

The letter of ineligibility from BACYOU will include a listing of fair housing enforcement agencies and their telephone numbers. Applicants will be provided with appropriate contact numbers to use if he believes that he has been discriminated against in the selection process.

23.8 Portability

23.8.1 Initial Year In-State Restriction

RNG applicants will be restricted to leasing within the Commonwealth of Massachusetts for their initial year in the program (see 24 CFR 982.353). After the initial year, RNG participants are free to lease outside of the Commonwealth. When such an out-of-state lease occurs, the participant will no longer be tracked as part of the RNG program and the RNG voucher will be available to re-issue provided that the receiving agency absorbs the voucher.

23.8.2 Transfers

If an RNG applicant or participant moves out of MBHP's region, the receiving RAA must absorb the participant with an HCVP voucher if one is available. When such an out-of-region lease occurs, the applicant or participant will no longer be tracked as part of the RNG program and the RNG voucher will be available to re-issue provided that the receiving RAA absorbs the voucher.

MBHP and BACYOU must track the occurrences of out-of-state and out-of-region leasing.

23.9 Monitoring

23.9.1 Terminations and Turnover

BACYOU and MBHP are both responsible for concurrently tracking subsidy use and coordinating information so both agencies maintain accurate data. If a DHCD subsidy turns over, BACYOU is responsible for ensuring that this subsidy is re-issued through MBHP to the next person on the RNG program waiting list. MBHP is responsible for

notifying BACYOU of a participant's termination date and BACYOU is responsible for providing a timely referral to MBHP for the available RNG voucher.

BACYOU and MBHP are both responsible for tracking the number and reasons for terminations of RNG Section 8 vouchers.

Terminations will be processed in accordance with HUD and DHCD requirements for the Section 8 HCVP as described in 24 CFR Section 982 Subpart (L) and the DHCD Section 8 Administrative Plan, respectively. Refusal of RNG services is not grounds for termination of an RNG Section 8 subsidy.

23.9.2 Changes in Family Composition

After a subsidy is issued, BACYOU will inform MBHP of any known changes in the family's situation or composition, such as the permanent removal of child(ren) from the household.

If there is a change in family composition that makes the family ineligible for the RNG program, MBHP will make an effort to absorb the current voucher into its conventional Section 8 voucher portfolio. If MBHP is successful at absorbing this subsidy, a RNG voucher will be made available to another RNG eligible family.

MBHP will monitor how many families became ineligible for the RNG program due to changes in family composition.

23.9.3 Liaison to HUD

DHCD is responsible for coordinating all contacts with HUD regarding the RNG Program.

23.9.4 DHCD Program Oversight

DHCD reserves the right to waive any RNG eligibility criteria and/or RNG program policies, if needed. DHCD also reserves the right to periodically conduct reviews and audits of participant client files as related to eligibility and housing.

DHCD, BACYOU, and MBHP will respond to requests for data and/or information in a timely manner.

23.9.5 Reduction or Termination of Subsidies

DHCD reserves the right to reduce or terminate the number of Section 8 RNG vouchers made available through the RNG program under the following circumstances: 1) the program outcomes are not satisfactory; there is not a sufficient demonstrated need for the subsidies; 2) the program is not being administered efficiently nor effectively; or 3) other problematic program issues arise.

23.10 Attachments

RNG Program Participation Contract

RNG Pre-application

BACYOU Referral Form/Certification of Eligibility

24 Designated Housing Program

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Designated Housing Program. Funding for DHCD's DSG program was provided under the HUD Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments and Section 202, 221(d) and 236 Developments, also referred to as the 'Certain Developments Program'.

24.1 Program Overview

Designated Housing is a collaborative effort of the Massachusetts Department of Housing and Community Development (DHCD), and the Massachusetts Housing Finance Agency (MHFA). The Designated Housing Program (hereafter referred to as "Designated Housing" or DSG) provides housing assistance to very low-income non-elderly disabled families and individuals who are not currently receiving housing assistance in certain developments due to the establishment of preferences for the admission of elderly families. This unique program utilizes 600 tenant-based Section 8 vouchers and is administered throughout the Commonwealth by DHCD's Section 8 regional administering agencies (RAAs). Designated Housing is an integral part of the Commonwealth's housing continuum that provides permanent housing for persons with disabilities.

Designated Housing vouchers were first targeted to non-elderly (less than 62 years of age) disabled families and individuals who were on the wait lists at specific MHFA developments as of established dates.

Designated Housing was implemented in three phases. Phase I utilized waiting lists in existence at 20 MHFA developments in the Greater Boston area on August 15, 1997. Phase II utilized waiting lists in existence at 15 additional MHFA developments throughout the Commonwealth on August 31, 1998. Phase III utilized waiting lists in existence at 23 additional MHFA developments throughout the Commonwealth on April 20, 2000 (see attached lists).

After the initial outreach to the MHFA waiting lists, the RAAs performed targeted outreach to disabled individuals and families on its Section 8 waiting list for any remaining vouchers. As of March 1, 2002, RAAs shall perform targeted outreach to local agencies that provide services to persons with disabilities to solicit referrals for the DSG waiting list. All tenant selections shall be made from the DSG waiting list.

24.2 Eligibility Criteria

24.2.1 Household Size

For the Designated Housing program the number of household members is limited. The family must have no more household members than would be able to qualify for a zero or one-bedroom unit. This effectively limits the household size to two members and does not include children.

24.2.2 Disability Status

At least one person in the household must be disabled. See Section 3.3.1. Verification of Disability, for the definition of a person with disabilities.

The term “person with disabilities” does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

RAAs will verify an applicant’s disability status for purposes of determining program eligibility in accordance with Section 3. It will consult with the appropriate human service commission in any instance where documentation regarding the disability is unclear.

Receipt of SSI or Social Security Disability payments is a sufficient demonstration that an applicant is disabled and eligible for Designated Housing. In the absence of such income, a qualified individual must confirm whether or not applicants meet HUD’s definition.

24.2.3 Age

All Designated Housing applicants must be non-elderly, i.e. under 62 years of age.

24.2.4 Income Guidelines

All Designated Housing applicants must meet the HUD’s income guidelines for the Section 8 Housing Choice Voucher program.

24.2.5 Preference

Eligible applicants who were on the waiting lists at the specific MHFA developments do not have to meet a DHCD preference. However, all other applicants must meet a DHCD preference. These preferences are outlined in Section 3.

24.2.5.1 Automatic Preference

A ranking preference is applied to automatic preferences to allow these applicants to be placed on the waiting list and be selected before all others. There are two automatic preference categories under which applicants may be eligible.

Applicants presently receiving assistance under either of the following transitional housing programs; DHCD's Alternative Housing Voucher Program (AHVP) or the Department of Mental Health Rental Subsidy Program (DMHRSP), and who have been identified by DHCD as eligible for transition to another affordable housing program due to budget reductions will receive automatic preference and must be issued a voucher, provided they have complied with all of the requirements of their AHVP or DMHRSP subsidy and have been unable to secure other long-term rental assistance during the term of the temporary subsidy.

Verification Requirements

DHCD's Bureau of State Rental Assistance must certify, in writing, that the applicant has been identified by DHCD as eligible for transition to another affordable housing program due to budget reductions, the applicant has complied with all of the requirements of their AHVP or DMHRSP subsidy, and has been unable to secure other long-term rental assistance during the term of the temporary subsidy.

24.3 Outreach

24.3.1 Initial Outreach

The MHFA and the RAAs were responsible for the initial outreach efforts. The MHFA compiled a list of all potentially eligible non-elderly individuals with disabilities on the wait lists of targeted developments (see Attachments 1 -3) as of established dates (hereafter referred to as the Designated Housing Outreach List). MHFA sent all individuals on the Designated Housing Outreach List:

- A Designated Housing Pre-application
- A Designated Housing Applicant Letter

A Designated Housing Information Letter was sent to representatives of the various Massachusetts Human Service Commissions informing them of the existence of Designated Housing; alerting them to the fact that their consumers may be eligible for this housing; and providing instructions on how to apply for this program.

24.3.2 Ongoing Outreach

RAAs will perform targeted outreach to the following Human Service Commissions under the Executive Office of Health and Human Services: the Department of Mental Health (DMH), the Department of Mental Retardation (DMR), the Department of Public Health (DPH) Aids and Substance Abuse Bureaus, the Massachusetts Rehabilitation Commission, and to other local agencies identified by each RAA that serves this population.

When an RAA has DSG vouchers available to issue, it will send notice to representatives of the various Massachusetts Human Service Commissions informing them of the existence of the Designated Housing program; alerting them to the fact that their consumers may be eligible for this housing; and providing instructions on how to refer applicants to the program.

Referrals will also be accepted from any agency that provides services to individuals with disabilities.

24.4 Wait List Management & Selection

Each RAA will maintain a DSG waiting list. All applicants will be placed on the DSG waiting list by the date and time the referral is received. If an RAA receives a referral for an applicant that lives out of its region, the referral should be returned to the referring agency with instructions on where it should be sent. Incomplete referrals will be returned to the referring agency by the RAA. An applicant will not be placed on the DSG waiting list until the referral is complete.

There may be instances where because of delays in the application process, a RAA may issue to a subsequent applicant the (first) available subsidy. In such cases, a RAA will document clearly in the applicant file why such a decision was made. The applicant who is skipped will be issued the next available Designated Housing voucher provided they meet all eligibility criteria and submit the required documentation.

If a DSG applicant moves out of the initial RAAs region, the applicant must be absorbed by the receiving RAA with a DSG voucher when one becomes available. If a DSG voucher is not available, the receiving agency must bill the issuing agency until such time as a DSG voucher is available. This procedure will prevent over-issuance of DSG vouchers.

24.5 Verification of Eligibility

In accordance with 982.201(e) information verifying applicant eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When verification of eligibility is complete a subsidy is issued and all normal Section 8 procedures take place, beginning with a briefing session.

24.6 Support Services

At the briefing, each applicant must be given a list of contacts at the human service agencies in their region. This list should include staff that can:

- Assist in identifying supports for individuals with psychiatric disabilities including those who have mental health illnesses but may not be eligible for DMH programs.
- Assist in identifying supports for individuals with mental retardation including community-based supports.
- Assist in identifying detoxification, treatment and support programs for people with substance abuse problems.
- Make referrals to resources which support people with HIV/AIDS including housing search services, specialized health services, support groups, meals programs and others.

- Assist in providing referrals for vocational rehabilitation programs for individuals with any type of disability who would like to go to work.
- Direct individuals to home care assistance, personal care assistance, home modifications and independent living supports.

Participants will be encouraged to review the list and to contact any agency if they feel they need or want any support services. RAAs will use the list as needed to make referrals if requested by participants and also to obtain advice from a human services professional if needed.

24.6.1 Housing Search

Each RAA must provide applicants with housing search assistance that includes, at a minimum: a list of available units in the area and of landlords who are familiar with the Section 8 program that may have units available. Where available, applicants will have access to RAA's Resource Rooms which contains listings of available units, a computer to access listings on the Internet, local newspapers, and a telephone participants can use during housing search. In addition, the RAA will refer applicants to its regional Housing Consumer Education Center (HCEC) to assist in housing search.

24.7 Appeals

The RAA is responsible for defending its decisions pertaining to the person's eligibility for Designated Housing Section 8 rental assistance. Section 8 appeal procedures will be utilized and shall be the same as currently in effect for the Housing Choice Voucher program, as set forth in Section 9.

24.8 Grant Compliance

As the official applicant and recipient of HUD funding for Designated Housing, DHCD is accountable to HUD for the successful administration of Designated Housing including: grant implementation and enforcement, and the final resolution of procedural and policy-related matters not specifically defined in statute or regulation.

- DHCD reserves the right to periodically conduct reviews and audits of participant files as related to eligibility and housing contracts.
- Each RAA must ensure that all Designated Housing vouchers will be issued to other non-elderly disabled applicants upon turnover.
- RAAs will participate in all required evaluations, and will be prepared to maintain additional data on these clients, as required by HUD and/or DHCD.
- DHCD is responsible for coordinating all contracts and contacts with HUD regarding the Designated Housing Program.

24.9 Attachments

List of MHFA Developments involved in the Designated Housing Program - Phase I
 List of MHFA Developments involved in the Designated Housing Program - Phase II
 List of MHFA Developments involved in the Designated Housing Program - Phase III

Comparison of the Mainstream and Designated Housing Programs
List of Support Services Contacts (by Region)
Referral Form for Designated Housing

Phase I

	Name	Management Company	City	County	Congressional District	Disabled Applicants on Wait List
1	Fabens Building	McNeil	Lynn	Essex	6	2
2	Noonan Glen	McNeil	Winchester	Middlesex	7	4
3	Chestnut Glen	McNeil	Abington	Plymouth	10	12
4	Glen Grove	McNeil	Wellesley	Norfolk	4	20
5	Cedar Glen	McNeil	Reading	Middlesex	7	17
6	Kenmore Abbey	State Street	Boston	Suffolk	8	9
7	Rock Harbor Village	State Street	Orleans	Barnstable	10	37
8	Franklin Square House	State Street	Boston	Suffolk	9	70
9	Symphony Plaza East	State Street	Boston	Suffolk	8	159
10	Symphony Plaza West	State Street	Boston	Suffolk	8	196
11	Blackstone	State Street	Boston	Suffolk	9	103
12	Dorchester Housing Assoc.	Peabody Properties	Boston	Suffolk	8	19
13	Victory Gardens Apts.	Peabody Properties	Boston	Suffolk	8	20
14	Rita Hall Apts.	Peabody Properties	Lawrence	Essex	5	22
15	Lamplighter Village	Peabody Properties	Canton	Norfolk	9	12
16	Mt. Pleasant Apts.	Peabody Properties	Somerville	Middlesex	8	12
17	Framingham Green	Peabody Properties	Framingham	Middlesex	7	23
18	Chelsea Village Elderly	Peabody Properties	Chelsea	Suffolk	8	53
19	Village at Brookline	Winn Management	Brookline	Norfolk	4	13
20	Heritage House	Winn Management	Newburyport	Essex	6	23
					TOTAL	826

Phase II

	Name	Management Company	City	County	Congressional District	Non-Elderly Disabled Applicants on Wait List
1	Linden Towers	Appleton	Springfield	Hampden	2	23
2	Sycamore House	Appleton	Holyoke	Hampden	1	5
3	Berkshiretown	Appleton	Pittsfield	Berkshire	1	3
4	St. Michael's House	Appleton	Northampton	Hampshire	2	21
5	Joseph's House	Appleton	Fitchburg	Worcester	1	7
6	McKinley House	Appleton	Chicopee	Hampden	2	4
7	Bayberry Estates	Claremont	New Bedford	Bristol	4	70
8	Solemar II	Claremont	Dartmouth	Bristol	3	58
9	The Car Barn	Claremont	New Bedford	Bristol	4	46
10	Hotel Worthy	Cornerstone Corp.	Springfield	Hampden	2	48
11	Sherwood Village	Cornerstone Corp.	Natick	Middlesex	7	15
12	GreenHill Tower	Cornerstone Corp.	Worcester	Worcester	3	38
13	Kings Beach Tower	Crowinshield	Lynn	Essex	6	9
14	Harbor Loft Apartments	Crowinshield	Lynn	Essex	6	26
15	Beachmont Apartments	Crowinshield	Revere	Suffolk	7	10
					TOTAL =	383

PHASE III

	Name	Management Company	City	County	Congressional District	Non-Elderly Disabled Applicants on Wait List
1	Academy Knoll	American Properties Team	Marlborough	Middlesex	5	0
2	Apple Village	American Properties Team	Beverly	Essex	6	0
3	Essex Towers	American Properties Team	Lawrence	Essex	6	0
4	Bellingham Square Apts.	American Properties Team	Chelsea	Suffolk	8	7
5	Ashland Commons	American Properties Team	Ashland	Middlesex	5	2
6	Marble Street Apts.	Barkan	Worcester	Worcester	3	34
7	Fitchburg Green	Barkan	Fitchburg	Worcester	3	34
8	Blake Estates I & II	Beacon Management	Boston-Hyde Park	Suffolk	8 or 9	74
9	Whittier Terrace	Beacon Management	Worcester	Worcester	3	52
10	The Academy	Corcoran	Fall River	Bristol	3	29
11	Lincoln School	Corcoran	Hingham	Plymouth	10	22
12	Waterview Apts.	Federal	South Boston	Suffolk	8 or 9	4
13	Gardner Terrace I	Federal	Attleboro	Bristol	3	9
14	Gardner Terrace II	Federal	Attleboro	Bristol	3	10
15	Arsenal Apts.	Gilbane	Watertown	Middlesex	8	8
16	Ocean Shores	Harbor	Lynn	Essex	6	21
17	Wilson Gardens	Harbor	Lynn	Essex	6	2
18	Millhaus at Upton	Harbor	Upton	Worcester	3	3
19	Weeks School Apts.	NCDF	Newton	Middlesex	4	10
20	Silsbee Tower	Simon Company	Lynn	Essex	6	9
21	Mtn. View Terrace	Tambone	Stoneham	Middlesex	7	17
22	Lowell Townhouse	Wingate	Lowell	Middlesex	5	18
23	Reservoir Towers	Wingate	Boston-Brighton	Suffolk	8 or 9	23

Comparison of the Mainstream and Designated Housing Programs

	Mainstream	Designated Housing
Disabled -head of household or spouse only	Yes	Yes
Age Requirement	Non-elderly or elderly (>62) ok	Non-elderly only
Regional Residency Preference	Yes	No if from MHFA list Yes if from DHCD list
DHCD Preference	Yes	No if from MHFA list Yes if from DHCD list
Number of Household Members	no limit	family must qualify for 0 or 1 BR unit, effectively limits household size to two members and does not include children.
Remove name from conventional Section 8 list when leased	Yes	Yes
Live-in aids	OK	OK
Tenant Selection	Referral	Referral

25 Mainstream Housing Program

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Mainstream Housing Program.

25.1 Program Overview

The Mainstream Housing Program (hereafter referred to as "Mainstream Housing" or MS) provides Section 8 housing assistance to very low-income non-elderly and elderly persons with disabilities. This program utilizes 275 tenant-based Section 8 vouchers and is administered throughout the Commonwealth by DHCD's Section 8 regional administering agencies (RAAs). Mainstream Housing is an integral part of the Commonwealth's housing continuum that provides permanent housing for persons with disabilities.

25.2 Eligibility Criteria

25.2.1 Disability Status

See Section 3.3.1, Verification of Disability, for the definition of a person with disabilities.

The term "person with disabilities" does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

At least one person in a household must be disabled. To qualify, the disabled household member must be either the head of household or spouse. A household where a child is the only family member with a disability would not be eligible for this program.

RAAs will verify an applicant's disability status for purposes of determining program eligibility in accordance with Section 3. It will consult with the appropriate human service commission in any instance where documentation regarding the disability is unclear.

Receipt of SSI or Social Security Disability payments is a sufficient demonstration that an applicant is disabled and eligible for Mainstream Housing. In the absence of such income, a qualified individual must confirm whether or not applicants meet HUD's definition.

25.2.2 Income Guidelines

All Mainstream Housing applicants must meet the HUD's income guidelines for the Section 8 Housing Choice Voucher program.

25.2.3 Preference

All eligible applicants must meet a DHCD preference. These preferences are outlined in Section 3.

25.3 Ongoing Outreach

RAAs will perform targeted outreach to the following Human Service Commissions under the Executive Office of Health and Human Services: the Department of Mental Health (DMH), the Department of Mental Retardation (DMR), the Department of Public Health (DPH) Aids and Substance Abuse Bureaus, the Massachusetts Rehabilitation Commission, and to other local agencies identified by each RAA that serves this population.

When an RAA has Mainstream vouchers available to issue, it will send notice to representatives of the various Massachusetts Human Service Commissions informing them of the existence of the Mainstream Housing program; alerting them to the fact that their consumers may be eligible for this housing; and providing instructions on how to refer applicants to the program.

Referrals will also be accepted from any agency that provides services to individuals with disabilities.

25.4 Wait List Management & Selection

Each RAA will maintain a Mainstream Housing waiting list. Due to the limited number of subsidies available, the number of applicants placed on the waiting list will be limited to 25 in each RAA region. Once the maximum number for a given RAA region has been reached, the waiting list manager will not accept the referral and will not place the applicant on the waiting list. If an RAA receives a referral for an applicant that lives out of its region, the referral should be returned to the referring agency with instructions on where it should be sent.

All applicants will be placed on the Mainstream Housing waiting list by the date and time the referral is received. Incomplete referrals will be returned to the referring agency by the RAA. An applicant will not be placed on the Mainstream Housing waiting list until the referral is complete.

There may be instances where because of delays in the application process, a RAA may issue to a subsequent applicant the (first) available subsidy. In such cases, a RAA will document clearly in the applicant file why such a decision was made. The applicant who is skipped will be issued the next available Mainstream Housing subsidy provided they meet all eligibility criteria and submit the required documentation.

If a mainstream applicant moves out of the initial RAAs region, the applicant must be absorbed by the receiving RAA with a Mainstream Housing voucher when one becomes available. If a Mainstream Housing voucher is not available, the receiving

agency must bill the issuing agency until such time as a Mainstream Housing voucher is available. This procedure will prevent over-issuance of Mainstream Housing vouchers.

25.5 Verification of Eligibility

In accordance with 24 CFR 982.201(e) information verifying applicant eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When verification of eligibility is complete a subsidy is issued and all normal Section 8 procedures take place, beginning with a briefing session.

25.6 Housing Search

Each RAA must provide applicants with housing search assistance that includes, at a minimum: a list of available units in the area and a list of landlords who are familiar with the Section 8 program that may have units available. Where available, applicants will have access to RAA's Resource Rooms which contains listings of available units, a computer to access listings on the Internet, local newspapers, and telephone participants can use during housing search. In addition, the RAA will refer applicants to its regional Housing Consumer Education Center (HCEC) to assist in housing search.

25.7 Appeals

The RAA is responsible for defending its decisions pertaining to the person's eligibility for Mainstream Housing Section 8 rental assistance. Section 8 appeal procedures will be utilized and shall be the same as currently in effect for the Housing Choice Voucher Program, as set forth in Section 9.

25.8 Grant Compliance

As the official applicant and recipient of HUD funding for Mainstream Housing, DHCD is accountable to HUD for the successful administration of Mainstream Housing including: grant implementation and enforcement, and the final resolution of procedural and policy-related matters not specifically defined in statute or regulation.

- DHCD will periodically conduct reviews and audits of participant files as related to eligibility and housing contracts.
- Each RAA must ensure that all Mainstream Housing vouchers are issued to other eligible disabled applicants upon turnover.
- RAAs will participate in all required evaluations, and will be prepared to maintain additional data on these clients, as required by HUD and/or DHCD.
- DHCD is responsible for coordinating all contracts and contacts with HUD regarding the Mainstream Housing Program.

25.9 Attachments

- Comparison of the Mainstream and Designated Housing Programs
- List of Support Services Contacts (by Region) – see section 24.9 Attachments
- Referral form for Mainstream Housing

Comparison of the Mainstream and Designated Housing Programs

	Mainstream	Designated Housing
Disabled -head of household or spouse only	Yes	Yes
Age Requirement	Non-elderly or elderly (>62) ok	Non-elderly only
Regional Residency Preference	Yes	No if from MHFA list Yes if from DHCD list
DHCD Preference	Yes	No if from MHFA list Yes if from DHCD list
Number of Household Members	No limit	Family must qualify for 0 or 1 BR unit, effectively limits household size to two members and does not include children.
Remove name from conventional Section 8 list when leased	Yes	Yes
Live-in aids	OK	OK
Tenant Selection	Referral	Referral

26 Department of Mental Retardation Voucher Program

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Department of Mental Retardation Voucher Program.

26.1 Program Overview

The Department of Mental Retardation Voucher Program (hereafter referred to as "DMRV") provides Section 8 housing assistance to clients of the Department of Mental Retardation (DMR), whose placements are a part of either the *Rolland* or *Boulet* settlement agreements. This program utilizes 144 tenant-based Section 8 vouchers and is administered throughout the Commonwealth by DHCD's Section 8 regional administering agencies (RAAs). DMRV is an integral part of the Commonwealth's housing continuum that provides permanent housing for persons with disabilities. This program satisfies DHCD's commitment to allocate 3% of its Fair Share awards (29 vouchers) under ACC#MA901VO0138 and #MA901VO0178 to this population.

26.2 Eligibility Criteria

26.2.1 Department of Mental Retardation

All applicants must be either:

- Members of the *Rolland Class* lawsuit and whose placement is part of the *Rolland* settlement agreement; or
- Members of the *Boulet* lawsuit and whose placement is part of the *Boulet* settlement agreement; or
- Individuals whose relocation will create a community residential vacancy for someone in the aforementioned category; or
- Individuals who could be diverted from placement in a nursing facility through the use of a Section 8 Housing Choice Voucher.

26.2.2 Medicaid Waiver

All applicants must be eligible for a Home and Community Based Medicaid waiver.

26.2.3 Income Guidelines

All DMRV applicants must meet the HUD's income guidelines for the Section 8 Housing Choice Voucher program.

26.2.4 Preference

DMRV applicants do not need to meet a DHCD preference.

26.3 Outreach, Waiting List Management, Referrals & Selection

26.3.1 Outreach

DMR is responsible for identifying eligible applicants.

26.3.2 Wait List Management

The DMR Regional Housing Coordinators will maintain the waiting list for DMRV for their respective areas and the corresponding RAA geographic region.

26.3.3 Referrals

When a DMRV subsidy is available to issue, the RAA will contact the appropriate DMR Regional Housing Coordinator for a referral. The RAA will place the referral on the DMRV waiting list/admissions tracking system by the date and time the referral is received. Incomplete referrals will be returned to the DMR Regional Housing Coordinator.

26.3.4 Selection

There may be instances where because of delays in the application process, a RAA may issue to a subsequent applicant the (first) available subsidy. In such cases, a RAA will document clearly in the applicant file why such a decision was made. The applicant who is skipped will be issued the next available DMRV subsidy provided they meet all eligibility criteria and submit the required documentation.

26.4 Verification of Eligibility

In accordance with 24 CFR 982.201(e), information verifying applicant eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When verification of eligibility is complete, a subsidy shall be issued and all normal Section 8 procedures will take place, beginning with a briefing session.

26.5 Housing Search & Supportive Services

26.5.1 Housing Search

The RAA must provide applicants with housing search assistance that includes, at a minimum: a list of available units in the area and a list of landlords who are familiar with the Section 8 program that may have units available. Where available, applicants will have access to RAA's Resource Rooms which contains listings of available units, a computer to access listings on the Internet, local newspapers, and telephone participants can use during housing search. In addition, the RAA will refer applicants to its regional Housing Consumer Education Center (HCEC) to assist in housing search.

DMR will provide DMRV applicants with housing search assistance either directly through DMR staff or indirectly through a contracted service provider.

26.5.2 Supportive Services

DMR will provide DMRV program participants with on-going residential support or individual support services appropriate to their needs. Additionally, DMR will provide DMRV program participants with access to 24-hour emergency services.

26.6 Appeals

The RAA is responsible for defending its decisions pertaining to the person's eligibility for DMRV Section 8 rental assistance. Section 8 appeal procedures as set forth in Section 9 will be utilized.

DMR is responsible for making its consumers aware of its grievance procedures. These grievance procedures should detail a mechanism for defending service eligibility determinations including informal or formal hearing procedures.

26.7 Portability

26.7.1 Initial Year In-State Restriction

DMRV applicants will be restricted to leasing within the Commonwealth of Massachusetts for their initial year in the program (see 24 CFR 982.353). After the initial year, DMRV participants are free to lease outside of the Commonwealth. When such an out-of-state lease occurs, the participant will no longer be considered part of the DMRV program and the subsidy will be available to re-issue provided that the receiving agency absorbs the voucher.

26.7.2 Transfers

If a DMRV applicant or participant moves out of the initial RAA's region, the applicant or participant must be absorbed by the receiving RAA with a DMRV voucher if one is available. If a DMRV voucher is not available, the receiving RAA will temporarily add one DMRV voucher to its allocation. The initial RAA will simultaneously lose one DMRV voucher from its allocation. In order for DMR to coordinate services, the initial and receiving RAAs must immediately report all transfers to DMR, as well as to DHCD on the quarterly report.

When a DMRV voucher becomes available at the receiving RAA, the receiving RAA must inform the initial RAA and DMR. Both the initial and receiving RAAs will return to their original allocations.

26.8 Grant Compliance

As the official applicant and recipient of HUD funding for DMRV, DHCD is accountable to HUD for the successful administration of DMRV including: grant implementation and enforcement, and the final resolution of procedural and policy-related matters not specifically defined in statute or regulation.

- DHCD will periodically conduct reviews and audits of participant files as related to eligibility and housing contracts.
- RAAs will participate in all required evaluations, and will be prepared to maintain additional data on these clients, as required by HUD and/or DHCD.
- DHCD is responsible for coordinating all contracts and contacts with HUD regarding the DMRV Program.

26.9 Attachment

Referral form for DMRV

27 Independent Living Program (ILP)

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Independent Living Program (ILP).

27.1 Program Overview

The Independent Living Program (hereafter referred to as "ILP") provides Section 8 housing assistance to clients of the Massachusetts Rehabilitation Commission's Statewide Head Injury Program (SHIP) and Independent Living Centers. ILP is a collaborative effort of DHCD and MRC to provide increased community-based housing options to individuals with disabilities. This program utilizes 130 Section 8 vouchers and is administered throughout the Commonwealth by DHCD's Section 8 regional administering agencies (RAAs). ILP is an integral part of the Commonwealth's housing continuum that provides permanent housing for persons with disabilities.

27.2 Eligibility Criteria

27.2.1 Massachusetts Rehabilitation Commission

All applicants must be either eligible consumers of and referred by SHIP or referred by an Independent Living Center.

MRC is responsible for maintaining this eligibility documentation.

27.2.2 Income Guidelines

All ILP applicants must meet the HUD's income guidelines for the Section 8 Housing Choice Voucher program.

27.2.3 Preference

ILP applicants do not need to meet a DHCD preference.

27.3 Outreach, Waiting List Management, Referrals & Selection

27.3.1 Outreach

MRC is responsible for identifying eligible applicants.

27.3.2 Wait List Management

For SHIP consumers, the Housing Specialist at each SHIP funded regional Head Injury Center (HIC) will maintain the waiting list for ILP for their respective areas and the corresponding RAA geographic region. For consumers referred by Independent

Living Centers, the Independent Living Center or MRC/IL Division will maintain the waiting list. These lists will be coordinated by the ILP Referral Coordinator at MRC.

27.3.3 Referrals

When an ILP voucher is available to issue, the RAA will contact the ILP Referral Coordinator for a referral. The RAA will place the referral on the ILP waiting list/admissions tracking system by the date and time the referral is received. Incomplete referrals will be returned to MRC.

27.3.4 Selection

There may be instances where because of delays in the application process, a RAA may issue to a subsequent applicant the (first) available subsidy. In such cases, a RAA will document clearly in the applicant file why such a decision was made. The applicant who is skipped will be issued the next available ILP subsidy provided they meet all eligibility criteria and submit the required documentation.

27.4 Verification of Eligibility

In accordance with 24 CFR 982.201(e), information verifying applicant eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When verification of eligibility is complete, a subsidy shall be issued and all normal Section 8 procedures will take place, beginning with a briefing session.

27.5 Housing Search & Supportive Services

27.5.1 Housing Search

Each RAA must provide applicants with housing search assistance that includes, at a minimum: a list of available units in the area and a list of landlords who are familiar with the Section 8 program that may have units available. Where available, applicants will have access to RAA's Resource Rooms, which contain listings of available units, a computer to access listings on the Internet, local newspapers, and telephone participants can use during housing search. In addition, the RAA will refer applicants to its regional Housing Consumer Education Center (HCEC) to assist in housing search.

MRC will provide ILP applicants with housing search assistance either directly through SHIP staff, indirectly through a contracted service provider, or through Independent Living Centers.

27.5.2 Supportive Services

SHIP will provide ILP participants, who are SHIP consumers, with on-going residential support or individual support services appropriate to their needs, contingent

upon availability of SHIP funds. Additionally, SHIP will insure that ILP participants who are SHIP consumers know how to access 24-hour emergency services.

Independent Living Centers will provide ILP participants with services as requested. This may include independent living services, information and referral, and other services.

27.6 Appeals

RAAs are responsible for defending its decisions pertaining to the person's eligibility for ILP Section 8 rental assistance. Section 8 appeal procedures as set forth in Section 9 will be utilized.

MRC is responsible for making its consumers aware of its grievance procedures. These grievance procedures should detail a mechanism for defending service eligibility determinations including informal or formal hearing procedures.

27.7 Portability

27.7.1 Initial Year In-State Restriction

ILP applicants will be restricted to leasing within the Commonwealth of Massachusetts for their initial year in the program (see 24 CFR 982.353). After the initial year, ILP participants are free to lease outside of the Commonwealth. When such an out-of-state lease occurs, the participant will no longer be considered part of the ILP program and the subsidy will be available to re-issue provided that the receiving agency absorbs the voucher.

27.7.2 Transfers

If an ILP applicant or participant moves out of the initial RAA's region, the applicant or participant must be absorbed by the receiving RAA with an ILP voucher if one is available. If an ILP voucher is not available, the receiving RAA will temporarily add one ILP voucher to its allocation. The initial RAA will simultaneously lose one ILP voucher from its allocation. In order for MRC to coordinate services, the initial and receiving RAAs must immediately report all transfers to MRC, as well as to DHCD on the quarterly report.

When an ILP voucher becomes available at the receiving RAA, the receiving RAA must inform the initial RAA and MRC. Both the initial and receiving RAAs will return to their original allocations.

27.8 Monitoring

27.8.1 Terminations and Turnover

The ILP Referral Coordinator and the RAAs are both responsible for concurrently tracking subsidy use and coordinating information so both agencies maintain accurate data. If a subsidy turns over, the ILP Referral Coordinator is responsible for ensuring

that the subsidy is re-issued through the RAA to the next person on the respective regional ILP waiting list. The RAA is responsible for notifying the ILP Referral Coordinator of a participant's termination date and the ILP Referral Coordinator is responsible for providing a timely referral to the RAA for the available ILP voucher.

The ILP Referral Coordinator and the RAA are both responsible for tracking the number and reasons for terminations of ILP Section 8 vouchers.

Terminations will be processed in accordance with HUD and DHCD requirements for the Section 8 voucher program as described in 24 CFR Section 982 Subpart (L) and the DHCD Section 8 Administrative Plan, respectively. Once a voucher is leased, refusal of services is not grounds for termination of an ILP Section 8 subsidy.

27.8.2 Changes in Household Composition

After a subsidy is issued, MRC will inform the RAA of any known changes in the household's situation or composition.

27.9 Grant Compliance

- As the official applicant and recipient of HUD funding for ILP, DHCD is accountable to HUD for the successful administration of ILP including: grant implementation and enforcement, and the final resolution of procedural and policy-related matters not specifically defined in statute or regulation.
- DHCD will periodically conduct reviews and audits of participant files as related to eligibility and housing contracts.
- RAAs will participate in all required evaluations, and will be prepared to maintain additional data on these clients, as required by HUD and/or DHCD.
- DHCD is responsible for coordinating all contracts and contacts with HUD regarding the ILP.

27.10 Reduction or Termination of Subsidies

DHCD reserves the right to reduce or terminate the number of Section 8 ILP vouchers made available through the ILP, under the following circumstances: 1) program outcomes are not satisfactory; 2) there is not a sufficient demonstrated need for the subsidies; 3) the program is not being administered efficiently nor effectively; or 4) other problematic program issues arise.

27.11 Attachments

Referral form for ILP

Referral Form for MRC Independent Living Program (ILP) Section 8 Vouchers

Please complete all information. Incomplete referrals will not be accepted.

General Information (Head of Household):

First Name	Middle Name	Last Name	
Address	City	State	Zip code
Social Security Number		Phone (include area code)	

Household and Demographic Information:

Total number of household members (include head) _____

Gross annual household income \$ _____

Racial & ethnic data is collected for statistical purposes only. Answers or failure to answer will not affect application.

Is the head of household (please check one)

White ☐ Black/African American ☐ American Indian/Alaskan Native ☐

Asian ☐ Native Hawaiian/Other Pacific Islander ☐

Is the head of household (please check one)

Hispanic ☐ Non-Hispanic ☐

Check if the head of household is: **[Please check only one category]**

SHIP eligible ☐ Rolland (NHI) ☐ Other Disability ☐

Please Specify: _____

Referring Party:

Name	Agency		
Address	City	State	Zip Code
Phone (include area code)	E-Mail Address		
Signature	Date of Signature		

Return this form to:

MRC – SHIP
Fort Point Place
27 Wormwood Street, Suite 600
Boston, MA 02210
Attn: Bob Ferris

MRC Use Only:

Date Received: _____

[] Accepted

[] Rejected, Reason: _____

Application provided to:_____

Date:_____

RAA: _____

(ilpvp ref form 5/02)

28 Greater Plymouth Area Supportive Housing Program

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Greater Plymouth Area Supportive Housing Program.

28.1 Program Overview

The Greater Plymouth Area Supportive Housing Program (hereafter referred to as "GPASHP") provides 10 Section 8 vouchers to very low-income, homeless families with either a disabled parent or child. The GPASHP program is targeted to those families who can live independently within the community, but need case management and support services in order to achieve and maintain successful tenancies. The GPASHP program is a unique collaboration between DHCD, and the South Shore Housing Development Corporation (SSHDC). In addition to administering the rental subsidy, SSHDC will also provide case management and coordinate the support services. However, SSHDC will contract for outside inspections and independent rent reasonableness certification.

28.2 Eligibility Criteria

28.2.1 Homelessness

All applicants must meet HUD's definition of "homeless" as per Section 103 of the McKinney Act (42 U.S.C. 11302):

- An individual who lacks a fixed, regular, and adequate nighttime residence; and
- An individual who has a primary nighttime residence that is:
 - A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);
 - An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

28.2.2 Disability Status

At least one person, either an adult or child, in a household must be disabled. See Section 3.3.1, Verification of Disability, for the definition of a person with disabilities.

Receipt of SSI or Social Security Disability payments is a sufficient demonstration that an applicant is disabled and eligible for GPASHP. In the absence of such income, a qualified individual must confirm whether or not applicants meet HUD's definition.

The term "person with disabilities" does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

28.2.3 Family Composition

Applicant families must include at least one dependent. For the purposes of the GPASHP program, a dependent is defined as a person, other than the family head of household or spouse, who is under the age of 18.

28.2.4 Need for Services

Applicant families must demonstrate a commitment to improving their quality of life and self-sufficiency skills through the use of the case management services provided through the GPASHP program by SSHDC.

28.2.5 Income

All GPASHP applicants must meet the HUD's income guidelines for the Section 8 Housing Choice Voucher program.

28.3 Outreach

28.3.1 Initial Outreach

Initial outreach for GPASHP will be conducted by SSHDC through mailings to local Department of Transitional Assistance office staff, family shelter and transitional housing providers and social service staff affiliated with the Departments of Mental Health, Mental Retardation and Social Services.

28.3.2 Ongoing Outreach

SSHDC is responsible for conducting all on-going outreach for the GPASHP program, including but not limited to: creating outreach materials, recruiting applicants, screening applicants and providing housing placement services to program participants. SSHDC will work with all applicants to ensure access to the program and will continually monitor outreach efforts to ensure that there is adequate assistance to clients in the preparation of the required applications and necessary documentation.

28.4 Waiting List Management & Selection

Applicants must submit a completed pre-application to SSHDC in order to be placed on the GPASHP waiting list. Applicants who submit incomplete pre-applications will be notified of this fact by SSHDC and given the opportunity to resubmit their pre-application.

28.4.1 Waiting List Management

The GPASHP waiting list will be maintained as a subset of SSHDC's conventional Section 8 waiting list. The date and time of SSHDC's receipt of the completed pre-application from the applicant will be used when determining the applicant's position on the GPASHP waiting list.

Due to the limited number of GPASHP subsidies available, the number of applicants placed on the GPASHP waiting list will be restricted to 25. Once the maximum number has been reached, SSHDC will not accept any additional referrals and will not place additional applicants on the waiting list. All persons who submit a GPASHP pre-application who do not receive a space on the waiting list will be notified by SSHDC in writing of this fact and their GPASHP pre-application discarded.

SSHDC is responsible for periodically updating the GPASHP waiting list. This can be done by sending letters to applicants on the waiting list requesting that the applicant indicate that s/he is still interested in the GPASHP program. Applicants not responding to such updates will be dropped from the list.

28.4.2 Selection

Upon selection from the GPASHP waiting list SSHDC will conduct an eligibility screening, including: completion of a Section 8 application; income verification; homelessness verification; disability verification; family composition verification; citizenship review; and CORI check.

There may be instances where, because of delays in the application process, SSHDC may issue to a subsequent referral for the (first) available subsidy. In such cases, SSHDC will document clearly in the applicant file why such a decision was made. The applicant who is skipped will be issued the next available GPASHP subsidy provided they submit the required documentation.

28.5 Verification of Eligibility

In accordance with 24 CFR 982.201(e), information verifying applicant eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When verification of eligibility is complete a subsidy is issued and all normal Section 8 procedures take place, beginning with a briefing session.

28.6 Support Services

SSHDC has primary responsibility for: the provision of ongoing services by directly providing the services or by establishing linkages with appropriate community agencies; and identifying and assisting consumers to access needed appropriate support services throughout the family's involvement in the GPASHP program.

28.6.1 Intake and Assessment

SSHDC is responsible for conducting an intake and assessment during the prescreening process. This assessment may include a discussion of past tenancy-related problems and a review of available entitlements and support programs.

28.6.2 Housing Search

Housing search services will be provided with the goals of securing appropriate housing and achieving successful tenancies. Housing search assistance will be directly provided by SSHDC or by an existing network of housing search programs, which operate in the south shore region.

All selected participants will receive housing search assistance in the form of: information and referral; housing counseling; identification of appropriate housing options; initiating contact with property owners; and executing leases. Referrals will be made to provide rental and moving assistance when necessary.

SSHDC must also provide applicants with housing search assistance that includes, at a minimum: a list of available units in the area and a list of landlords who are familiar with the Section 8 program that may have units available. Applicants will also have access to SSHDC's Resource Room, which contains listings of available units, local newspapers, and a telephone for participants to use during housing search. In addition, the RAA will refer applicants to its regional Housing Consumer Education Center (HCEC) to assist in housing search.

28.6.3 Housing Stabilization

SSHDC is responsible for directly providing or coordinating housing stabilization services needed by GPASHP participants, which include lease compliance and referral for supportive services, income benefits and other community resources. SSHDC will refer participants for support services provided by identified providers in the community.

28.7 Appeals

SSHDC is responsible for defending its decisions pertaining to the person's eligibility for GPASHP. Section 8 appeal procedures as set forth in Section 9 will be utilized.

28.8 Monitoring

28.8.1 Terminations and Turnover

SSHDC is responsible for tracking subsidy use. If a subsidy turns over, SSHDC is responsible for ensuring that this subsidy is re-issued to the next person on the GPASHP program waiting list. SSHDC is responsible for tracking the number and reasons for terminations of GPASHP Section 8 vouchers.

Refusal of GPASHP services is not grounds for termination of a GPASHP Section 8 subsidy.

28.8.2 Housing Quality

Housing quality and affordability will be evaluated annually by outside contractors hired by SSHDC. Contracted housing inspectors will conduct annual HQS inspections to ensure that clients are living in appropriate housing.

28.8.3 Liaison to HUD

DHCD is responsible for coordinating all contacts with HUD regarding the GPASHP Program.

28.8.4 DHCD Program Oversight

DHCD reserves the right to waive any GPASHP eligibility criteria and/or GPASHP program policies, if needed. DHCD also reserves the right to periodically conduct reviews and audits of participant client files as related to eligibility and housing.

DHCD and SSHDC will respond to requests for data and/or information in a timely manner.

28.8.5 Reduction or Termination of Subsidies

DHCD reserves the right to reduce or terminate the number of Section 8 GPASHP vouchers made available through the GPASHP program under the following circumstances: 1) the program outcomes are not satisfactory; there is not a sufficient demonstrated need for the subsidies; 2) the program is not being administered efficiently nor effectively; or 3) other problematic program issues arise.

28.9 Attachments

- GPASHP Program Participation Contract
- GPASHP Pre-application

**GREATER PLYMOUTH AREA SUPPORTIVE HOUSING PROGRAM (GPASHP)
PROGRAM PARTICIPATION CONTRACT**

I, _____, agree to participate in the GPASHP program. I understand that participation includes complying with program rules, which include the following:

1. I agree to sign a Section 8 Voucher with DHCD's Regional Administering Agency and to comply with all terms of my lease with my landlord.
2. Upon moving into my apartment, none of my household members will engage in criminal activities.
3. I agree to work with my designated service provider to create a service plan, including signing any necessary releases.
4. I agree to have regular and consistent contact with my designated service provider in order to implement my service plan and make ongoing adjustments as needed.
5. I agree to participate in a regular review of my service plan with my designated service provider.
6. I agree to provide SSHDC with any information deemed necessary for the evaluation of the GPASHP program.

I understand that the subsidy for my apartment is directly linked with the services provided through GPASHP program.

Participant

Date

Service Provider

Date

PRE-APPLICATION FOR THE GREATER PLYMOUTH AREA SUPPORTIVE HOUSING PROGRAM (GPASHP)
SOUTH SHORE HOUSING DEVELOPMENT CORPORATION (SSHDC)
169 SUMMER STREET, KINGSTON, MA 02364

PRE-APPLICATION MUST BE COMPLETED IN FULL

I. GENERAL INFORMATION

Social Security Number		
First Name:	Middle Name	Last Name
Address:		
City:	State:	Zip Code:
Shelter Name:		Phone (include area code)

II. MEMBERS OF HOUSEHOLD TO LIVE IN UNIT

Total number of household members _____ Gross annual household income \$ _____

Check if the head of household or spouse is:
62 years or older ☐ Disabled ☐ Displaced by government action ☐

Is any household member disabled? ☐ Yes ☐ No
Is this person the Head of Household? ☐ Yes ☐ No
In any household member a dependent under the age of 18 ☐ Yes ☐ No

III. RACIAL ETHNIC DESIGNATION

Racial & ethnic data is collected for statistical purposes only. Your answers or failure to answer will not affect your application.

Is the head of household (Select as many as appropriate)
☐ White ☐ Black/African American ☐ American Indian/Alaskan Native
☐ Asian ☐ Native Hawaiian/Other Pacific Islander

Is the head of household (please check one)
☐ Hispanic ☐ Non-Hispanic

IV. HOUSING STATUS: Check any that apply

- ☐ Living in shelter
Name of Shelter _____
- ☐ Living on the street _____
- ☐ Living in an institution not designed for long-term residence
Name of Institution _____
- ☐ Living in a hotel
Name of Hotel _____
- ☐ Living in a transitional housing program
Name of Program _____

APPLICANTS MUST AGREE TO THE FOLLOWING: I understand that this is a pre-application for service referrals and rental assistance through South Shore Housing Development Corporation (SSHDC), and not an offer for housing. When my number reaches the top of the wait list, I will have to verify and document all the information that I am self certifying today and that if I do not meet eligibility requirements at the time of selection, my name will be dropped from the list. I understand that it is my responsibility to notify SSHDC of any change of address that may occur. I understand that my participation in the GPASHP program is subject to my being eligible and in compliance with HUD and DHCD regulations. I further understand that my participation is subject to a criminal history records check using CORI, and that I must be in compliance with SSHDC's drug and violent crime policy. I certify under pains and penalties of perjury that all information given on this application is true as of the date of the application.

APPLICANT SIGNATURE	DATE
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29 JOBLink Welfare to Work Housing Voucher Program

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the JOBLink Welfare to Work Housing Voucher Program (JOBLink).

29.1 Program Overview

The U.S. Department of Housing and Urban Development has awarded 2,000 welfare-to-work vouchers to the Massachusetts Department of Housing and Community Development, which will be administered as the JOBLink Housing Voucher Program. JOBLink will support families to make a successful transition from welfare to work by providing tenant-based rental assistance to meet critical housing needs. Eligible families will also be able to participate in DHCD's successful Family Self Sufficiency program in order to achieve ongoing career development and housing goals.

The purpose of the JOBLink Welfare to Work Housing Voucher Program (JOBLink) is to provide housing assistance to families who are current or former (within the past 24 months) TANF recipients, who are working and/or participating in job-readiness training programs leading to employment, who demonstrate a critical housing need, and who meet all eligibility criteria for the Section 8 Housing Choice Voucher Program. In order to maintain eligibility for JOBLink voucher assistance, the participating family's head of household or and/or other adult family member must maintain employment and/or rapidly regain employment in the event of job loss.

29.1.1 JOBLink Steering Committee

DHCD has developed and designed its JOBLink Section 8 Voucher Welfare to Work initiative with key partner agencies at the highest levels of Massachusetts state government. In planning, implementing, staffing, and maintaining an effective program, the chief partner agency has been the Commonwealth's designated TANF agency, the Massachusetts Department of Transitional Assistance (DTA). Representatives of DHCD, DTA, HUD, Regional Administering Agencies (RAAs), the Workforce Investment Association, employers, and community-based organizations comprise the JOBLink Steering Committee that meets quarterly to oversee program development.

29.2 Definitions

Employment: engagement in work activities for which the person is paid by an employer, or which generate self-employment income. Also includes situations in which a person is considered by an employer to be an employee, eligible for compensation and or benefits, even when on a recognized paid or unpaid leave, from

which the person is expected to return to the same employer to the same or an equivalent position (i.e. situations when the person is covered by Massachusetts and/or employer maternity/paternity leave, FMLA, National Guard duty, etc.).

JOBLink Primary Participant: usually the head of household, whose initial eligibility resulted in the family's JOBLink participation, but could be another adult household member for purposes of the family meeting the JOBLink employment obligation.

Qualifying Job-Readiness Program: A recognized job-readiness, skill training, employment preparation, job search assistance, or college-level educational program in which a JOBLink applicant is currently enrolled and in good standing, and which has been approved for that applicant by the Department of Transitional Assistance, which the applicant expects to complete and which will lead to employment within four months of program completion.

Qualified Re-employment Program: a recognized job-readiness, job training, or college program (usually funded by DTA, WIBs, PICs, DOL, DOE, etc.) providing intensive, on-site services and classes for the purpose of helping a person to regain suitable employment and learn additional job skills.

29.3 Eligibility Criteria

DHCD's JOBLink vouchers are distinguished from conventional Section 8 subsidies in that they will be utilized to reward employment and support job enrichment for current and former TANF recipients.

All JOBLink applicants must meet the HUD's routine Section 8 Housing Choice Voucher Program eligibility factors including, but not limited to, income eligibility, satisfactory CORI, citizenship/immigration status, and past performance in a state- or federally-assisted housing program.

Additionally, eligible JOBLink applicants must meet all of the following eligibility criteria:

29.3.1 TANF-recipient Status

The family must be currently receiving, or have received within the 24 months prior to selection, TANF benefits. In Massachusetts, federal TANF funds are used for TAFDC (cash welfare assistance) and most forms of Emergency Assistance (EA) benefits for eligible families. Either the head of household, resident spouse, other eligible adult within the Assistance Unit (DTA term for assisted family/household) or child/ren in the applicant family must have received or be receiving TAFDC and/or EA benefits, or TANF benefits issued by another state in the past (but within the previous 24 months) to establish eligibility in this criteria.

29.3.2 Employment and/or Job-Readiness Program Status

The head of household or resident spouse must be employed an average of 75 hours per month and/or participating in a DTA-approved qualifying job readiness training

program expected to lead to employment within four months. Equal consideration will be given to the following two populations:

(1) **WORKING FAMILIES:** Families that are currently receiving or have received TANF benefits within the past 24 months: (1) where the head-of-household or spouse is employed *and* participating in one or more DTA or DOL funded post-employment programs; *or*, (2) where the head-of-household or spouse is employed *and* will agree to participate in corresponding re-employment program(s) if they should lose their job and have difficulty becoming re-employed.

Preference for Homeless Families in Shelter or Transitional Housing Programs: Homeless families in the Commonwealth's shelter or transitional housing system who are residing in these facilities at the time JOBLink commences (January 2000), and who meet the working families criteria, will be given a ranking preference within this category.

(2) **JOB READY FAMILIES:** Families that meet all of the following three criteria: (1) currently receive TANF benefits, (2) are participants in good standing in JOBLink-qualifying job readiness programs, and (3) are referred for participation in the JOBLink program by DTA. While in general, the programs are expected to be short-term, leading to employment within four months, an applicant who is in good standing in a longer-term training or college-level program which has been approved by DTA for that individual and is supported by DTA-provided support services (childcare and/or transportation) may be eligible within this category. However, general education programs, including G.E.D. preparation, do not serve as qualifying programs for purposes of JOBLink eligibility.

Preference for Homeless Residents of Transitional Housing Programs: Homeless families in any of the Commonwealth's transitional housing facilities who meet the JOB READY criteria, who are residing in these facilities at the time JOBLink commences (January 2000), will be provided with a ranking preference within this category, provided that the facility provides case management services and the family has been complying with the terms of their case management requirements, as verified by the case manager.

29.3.3 Critical Housing Voucher Need Status

The applicant must meet one of the following critical voucher need standards in order to satisfy the federal requirement and be issued a JOBLink voucher:

(1) Insufficient Funds to Meet Basic Expenses

Applicants whose monthly housing cost (rent plus utilities) exceeds 40% of their monthly gross income will automatically be deemed to have satisfied the critical need requirement.

OR

Applicants who can demonstrate that a *combination* of those daily expenses — including housing costs (rent plus utilities) — required to permit them to work (e.g., transportation, child care etc.), *that are not eligible for reimbursement on various DTA or other publicly-funded programs*, where such a combination of expenses exceeds 50% of their monthly gross income, will be deemed to have satisfied the critical need requirement.

(2) Need to Relocate Closer to Work

Applicants who *either* are working (or who have a *bona fide* job offer) that reside more than 60 minutes from their workplace *or* are not able to secure adequate transportation to get to work, will be deemed to have satisfied the critical need requirement. Applicants who do not have adequate child care available either near their home or workplace will be deemed to have satisfied the critical need requirement.

(3) Homelessness

Homeless applicants who are working and reside in either a shelter or a transitional housing program, or who are residing in a transitional housing facility will be deemed to have satisfied the critical need requirement.

(4) Unstable/Temporary Accommodations

For the purposes of determining eligibility for the JOBLink Housing Voucher Program, the critical housing need criteria can be met if the family is staying in an unstable or temporary situation, as defined herewith:

A family residing temporarily with friends or extended family in a doubled-up or overcrowded situation, or in similar temporary accommodations, who would otherwise be without a permanent residence of their own or would otherwise be in a publicly- or privately-funded family emergency shelter will be deemed to have satisfied the critical need requirement.

To verify this condition for eligibility, the applicant must provide documentation as determined sufficient by the administering agency to demonstrate housing instability and impact on applicant's ability to seek and maintain employment. In general, the one or more of the following may be used to satisfy this requirement:

- Statement (preferably notarized) from the tenant/homeowner of the unit stating that the **applicant** family is temporarily residing with the tenant/homeowner, accompanied by documentation of the tenant/homeowner's lease, tenancy-at-will, or title for the unit.
- Statement (preferably notarized) or copy of letter from the owner of the tenant's unit providing evidence that the tenant is at risk of eviction due to the

applicant family's temporarily (and currently) residing with the tenant, accompanied by documentation of the tenant's lease or tenancy-at-will.

- An original letter on letterhead from a professional third-party (DTA TA Worker, DSS Worker, licensed social worker, member of the clergy, etc.) verifying that the applicant family is currently in a temporary, doubled-up, and/or overcrowded situation as per the above definition.
- Notarized statement from the property owner of a unit verifying that the applicant family is temporarily residing with the tenant of the unit, but has no tenancy rights, accompanied by documentation of the tenant's lease or tenancy-at-will.
- Other documentation as determined sufficient by the administering agency.

29.4 Initial Outreach and Recruitment /Issuance/Leasing

HUD awarded the maximum number of Welfare to Work Vouchers available—2000—to DHCD's statewide program. As outlined in DHCD's proposal to HUD, these vouchers have been allocated among DHCD's Section 8 Housing Choice Voucher Program regions and RAAs based upon proportions of DTA caseloads (as of February 1999) in each region. The following table outlines this initial JOBLink voucher distribution:

Total Subsidy Allocation

Region/s	Vendor	Subsidy Allocation
Berkshire County	Berkshire Housing Development Corporation	40
North Middlesex/Essex County	Community Teamwork, Inc.	300
Cape & Islands	Housing Assistance Corporation	40
Hampden/ Hampshire/ Franklin County and Springfield	Hampden Hampshire Housing Partnership, Inc.	400
Boston and Metro Boston	Metropolitan Boston Housing Partnership, Inc. (with Lynn Housing Authority)	620
North and South Worcester County	Rural Housing Improvement, Inc.	300
South Middlesex	South Middlesex Opportunity Council	40
South Shore	South Shore Housing Development Corporation	340
TOTAL		2000

To achieve successful outreach to potentially eligible families, establish the DTA-linked referral method, and process applications in the volume necessary to issue and

utilize the full 2000 Welfare-to Work vouchers awarded by HUD within the applicable time limits, DHCD and its subcontracted regional administering agencies utilized a number of outreach methods during the period of January 1, 2000 through June 30, 2001. While the methods of initiating contact and the application process with potentially eligible families varied, the JOBLink eligibility criteria tests as outlined above were utilized to reach all eligibility determinations. Each RAA was responsible for determining the methods, volume, and timing needed to maximize applicant access to the program and reach issuance levels in each region that would yield 100% leasing by HUD's June 30, 2001 deadline. As each RAA reached this issuance level, they continued to accept JOBLink referrals under the DTA referral system (see Phase Two, below) and placed the candidates on the JOBLink and HCVP waiting lists.

29.4.1 PHASE ONE: Screening the Section 8 Waiting List for Eligible Applicants

In 1998, DHCD created a computerized, Internet-based waiting list application that allows all applicant data at the regional level to be entered into one master database, providing DHCD with immediate access to all applicant information. In early November 1999, DHCD and DTA performed a computerized match of all DHCD applicants with DTA's current and former caseload as of November 1, 1999 in order to identify all potentially eligible JOBLink applicants who were on DHCD waiting lists.

Each DHCD regional contractor then notified all potential applicants in its region who were identified by the DHCD/DTA screening (unless the name and address had been recently eliminated during a routine wait list purge) that they may be eligible for JOBLink. Families that responded to this notification were able to complete the application process with eligibility determinations made on a rolling basis.

29.4.2 PHASE TWO: Department of Transitional Assistance (DTA) Referral System

As intake processing was underway for the "match list" applicants, DHCD and DTA worked together to implement a closed referral system to capitalize on the DTA caseworkers' familiarity with current and former TAFDC- and EA-receiving families and to streamline the eligibility process. Beginning in March 2000, DTA case workers were asked to identify and refer all current and former families that they knew to be working and/or in job-readiness programs who also had a critical housing need as defined for the JOBLink program by forwarding referrals on a DTA-approved referral form. In addition, DTA case workers were instructed to make referrals for clients who specifically requested them (assuming they met the basic referral criteria) and to refer clients whose case had closed more than 12 months prior to the Centralized Eligibility Operations Unit, which would then make the referral on behalf of the former recipient. All referrals were faxed to DHCD and/or to the local RAA, which then contacted the potential candidate to provide them with program and intake process information. The referral form itself serves as verification of the applicant's

TAFDC and/or EA status, thereby streamlining one aspect of the intake process; for this reason, only DTA staff have the authorization and necessary forms to make JOBLink referrals. Each local DTA office has designated one staff member (often the office director or assistant director) to serve as the office's JOBLink primary liaison with the appropriate RAA's JOBLink Project Coordinator.

As each RAA reached its issuance target, it established an intake closing date, and notified each DTA office in its region that after that date, JOBLink referrals would still be accepted, with each referred family being placed on the JOBLink Waiting List but not processed for intake at that time. DTA caseworkers also received a department (DTA) communication acknowledging the success of the JOBLink outreach process and reinforcing the ongoing linkage between the two agencies for making JOBLink referrals and supporting the participating families in maintaining employment.

29.4.3 PHASE THREE: Statewide Waiting List Reopened

Beginning in March 2000, DHCD re-opened its statewide waiting list. Any family seeking voucher assistance was able to submit a pre-application resulting in that family's placement on the Section 8 Housing Choice Voucher waiting list. The pre-application included a question that allowed a family to self-identify as a current or former recipient of TAFDC and/or EA (TANF benefits). RAAs were then able to contact the families in their region based on this information and invite them to apply for the JOBLink program if the family believed that it met all JOBLink eligibility criteria. Based on the volume and effectiveness of all outreach methods employed by each RAA, the RAA determined if and how to perform outreach to this potential pool of candidates. Several RAAs sent out mass mailings, some did not need to access this pool at all, and the RAA with the largest number of available vouchers (MBHP) invited all Section 8 HCVP applicants who had self-identified to come in and complete the full JOBLink application on the spot during a several day period when they closed to regular business and enlisted most agency staff to assist with the JOBLink application "marathon."

29.4.4 Other Targeted Outreach and Mailings

Throughout the January 2000 – June 2001 implementation period, RAAs conducted a variety of recruitment efforts to maximize outreach to potential JOBLink candidates. Chiefly, this consisted of outreach to agencies within each RAA's region that offered shelter, homelessness prevention, and/or education and training services and establishing streamlined application processes to facilitate rapid intake processing and voucher issuance to eligible families.

29.5 Ongoing Waiting List Management, Referrals, & Selection

The initial round of outreach, intake, and issuance as described in Section 29.4 was officially concluded June 30, 2001. Families with outstanding JOBLink vouchers were notified that they retained their full housing search period with any applicable

extensions, but no further JOBLink Vouchers will be issued until such time as the RAA, in consultation with DHCD, determines that new or turnover JOBLink subsidies are available.

29.5.1 Waiting List Management

There is a JOBLink waiting list within DHCD's statewide waiting list database, which is maintained by the RAAs in accordance with Section 3 of this plan. Access to the JOBLink waiting list is through a closed referral process established with DTA. Once on the waiting list, it is the applicant family's responsibility to notify the RAA, in writing, of any changes in contact information. From time to time it may be necessary for the RAA to perform a standard purge procedure on the JOBLink waiting list, and if the applicant family does not respond, they may be removed from the waiting list and further JOBLink consideration.

29.5.2 Referrals

Referrals to the JOBLink Housing Voucher Program may only be made by DTA staff/case workers, using the DTA/DHCD JOBLink Referral Form. The referral process may be initiated by a caseworker having knowledge of a family who would be an appropriate referral or at the request of a family that believes it may be eligible. If the family currently has an open case with DTA, or had a case which has been closed for less than twelve months, the worker will complete the JOBLink referral form and forward it by facsimile machine to the JOBLink Project Coordinator at the RAA covering the community in which the referred family resides. If the family's case has been closed for more than twelve, but fewer than twenty-four months, the case worker will furnish the family with information to contact DTA's Centralized Eligibility Operations Unit, which will then check the case record and fax a JOBLink referral to DHCD's Workforce Development Coordinator/JOBLink Project Administrator, who will then forward the referral to the appropriate RAA. Referrals will be entered on the JOBLink Waiting List based on date and time received. Because neither DHCD nor the RAAs can be responsible for misdirected, incomplete, or erroneous referrals, the DTA case worker and/or referred family is advised to call the appropriate RAA to follow-up and confirm that the referral was received and complete. It should also be noted that while a family may appear to meet JOBLink eligibility criteria at the time of referral, future eligibility would depend upon the family's circumstances at the time of selection and intake processing.

29.5.3 Selection

When the RAA, in consultation with DHCD, determines that there are or will be JOBLink vouchers available, applicants will be selected from the JOBLink waiting list in order. In accordance with national Welfare to Work Housing Voucher regulations, the applicant family must, at the time of selection, be currently receiving, or have received within the twenty-four months prior to selection, TANF benefits (in Massachusetts, TAFDC and/or Emergency Assistance are TANF-funded benefits).

29.5.4 Verification of Eligibility

In accordance with 982.201(e) information verifying applicant eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When all eligibility verification is complete, a subsidy is issued and all conventional Section 8 Housing Choice Voucher procedures and standards apply. For families issued JOBLink Vouchers, the briefing will also include a thorough review of the JOBLink Employment Obligation (including review and signing of the JOBLink Addendum to the Family Obligations and Voucher which highlights the family's employment obligation) and an introduction the Family Self-Sufficiency Program, which all JOBLink participants are strongly encouraged to join. Advocates and service providers are welcome to attend all Section 8 related functions with their clients and are encouraged to help them locate suitable and safe housing.

29.6 Support Services

JOBLink Welfare to Work Housing Voucher Program participants are able to access a variety of resources to support employment and housing stability. These resources may be offered through the RAA, the Department of Transitional Assistance (DTA), or other agencies. A key feature of the JOBLink Program is the availability of dedicated staffing (the JOBLink Project Coordinator/s) at the RAA to monitor employment maintenance and provide services and referrals in the event of job loss or other difficulties as needed. The Housing Assistance Program (through DTA) and Housing Consumer Education Centers (through the RAAs) provide assistance with housing-related issues. JOBLink participants are eligible to, and strongly encouraged to, enroll in the RAA's Family Self-Sufficiency Program to maximize the resources available to assist them in career development and increased economic self-sufficiency. DTA-funded services to support families in transition from welfare to work include job-readiness programs, childcare and transportation services to eligible families. The statewide network of One Stop Career Centers offers basic (free) and enhanced (fee-based) services to all job seekers in the Commonwealth. The JOBLink Steering Committee comprises representatives of key service providers, and plays an important role in ensuring that needed resources are available to support the success of the JOBLink program and its participant families. While the JOBLink Program intends to assist participating families, it is, ultimately, the responsibility of the family to locate and access the services it needs in order to meet its obligations under the JOBLink Program and to achieve its short and long term goals for success.

29.7 Appeals

The RAA is responsible for defending its eligibility decisions, pertaining to the family's eligibility for JOBLink Welfare to Work Housing Voucher Program. Section 8 informal hearing procedures, as set forth in Section 9 shall be utilized.

29.8 Initial Year In-State Restriction

JOBLink participants will be restricted to leasing within the Commonwealth of Massachusetts for their initial year in the program (see 24 CFR 982.353). On a case-by-case basis, and in consultation with DHCD, there may be situations in which an RAA may allow a move out-of-state before the completion of the year in order to support a family's career opportunities, such as an employer-initiated or required transfer out of state, a severe situation of domestic violence which deprives the participant/family of personal safety and interferes with her/his ability to obtain and maintain employment in the local area, or relocation to a new community which operates and will accept the family into another HUD-sponsored Welfare to Work Housing Voucher Program. In all cases, the provision of full documentation to the satisfaction of the RAA and/or DHCD is the burden of the participant, and must be accompanied by a mutual termination agreement from the property owner. The RAA retains the right to approve or disapprove any or all portability moves within the initial year. After the initial year, JOBLink participants are free to lease outside of the Commonwealth. When such an out-of-state lease occurs, the participant will no longer be considered part of the JOBLink program and the subsidy may be available to re-issue.

29.9 Ongoing JOBLink Program Requirements

29.9.1 Employment Maintenance

In order to continue in the JOBLink Housing Voucher Program, the family must make a good faith effort to secure and maintain permanent employment (of at least 75 hours per month).

This requirement is authorized by HUD and failure to comply may result in program termination. All families issued housing vouchers under the JOBLink Welfare to Work Housing Voucher Program will sign an Addendum to the Statement of Family Obligations acknowledging this obligation.

The JOBLink Welfare to Work Housing Voucher Program is predicated on the goal of supporting families making the transition from assistance to self-sufficiency through the interdependent goals of employment and housing stability. Situations which could or do result in job loss should be immediately communicated to the JOBLink Project Coordinator, who will meet with the family to review the situation and offer resources and support for resolving the issue/crisis and/or regaining employment. The primary participant is expected to work with the JOBLink Project Coordinator or other designated case manager, remain in contact with her/him, and follow through on activities that will lead to obtaining and maintaining employment within the applicable time limits. The JOBLink participant has the burden of proof to demonstrate that he is making a good faith effort to find and secure employment in order to qualify for an extension of the search period and prevent voucher termination.

To show a **Good Faith Effort** a participant must:

1. Provide requested documentation related to the time and circumstances of separation from employment and/or a qualifying job-readiness program as identified herein:

Loss of employment (Lay-off, Resignation, Termination)

- a. Verification of last date of employment, AND
- b. Verification of circumstances of separation:
 - i. No Fault -- letter from employer and/or other documentation acceptable to RAA
 - ii. Resignation – copy of resignation letter or signed statement from participant to be maintained in file
 - iii. Fault/Termination – no additional documentation required for JOBLink file, but may be provided by participant if desired
 - iv. Contested Unemployment Compensation Claim – participant must promptly provide copies of unemployment claim forms, and subsequent DET determination letters. If the participant has filed an unemployment claim that is then contested by the employer, the RAA will presume a no-fault separation (with a four month re-employment period), until the DET has made its determination. If the separation is determined to be no-fault (on the part of the employee), the original re-employment period will stand. If the separation is determined to be the fault of the employee, the appropriate two-month re-employment time period will begin as of the date of DET's determination letter, but it cannot exceed the original re-employment deadline of four months from the last day of employment.
 - v. If the circumstances of job loss (fault/no-fault) are not clear, the RAA may require additional documentation in order to determine an appropriate re-employment time limit, taking into account both the standard JOBLink re-employment time limits and the extenuating circumstances that may exist.

Completion, Withdrawal, or Termination from Job-Readiness Program

- a. Verification of last date of program participation, AND
- b. Verification of circumstances of separation from program:
 - i. No Fault (Program closes down, etc.) -- letter from program and/or other documentation acceptable to RAA
 - ii. Voluntary Withdrawal -- copy of withdrawal letter or signed statement from participant to be maintained in file
 - iii. Graduation/Completion – copy of graduation/completion certificate or letter from program staff
 - iv. Fault/Termination from program -- no additional documentation required for JOBLink file, but may be provided by participant if desired
 - v. If the circumstances of separation from the job-readiness program (fault/no-fault) are not clear, the RAA may require additional documentation in order to determine an appropriate re-employment time limit, taking into account both the standard JOBLink re-employment time limits and the extenuating circumstances which may exist, and

2. Provide evidence of diligent and consistent employment search activities. Specifically, the participant must complete the following:
 - a) Keep a record (on a form to be provided by the RAA) of all places of employment s/he has applied to and any verification showing denial of employment.
 - b) Demonstrate s/he is actively looking for work. Normally this will mean an average of at least 5 job applications/activities per week, although this may vary with the type of work sought and the availability of jobs.
 - c) Maintain contact with the JOBLink Coordinator/Specialist every two weeks during the time s/he is searching, and
3. Not decline any reasonable offers of employment without good cause, and
4. Seek and maintain appropriate housing, child care, and transportation arrangements in order to carry out a good faith employment search and to be able to promptly accept and begin employment, and
5. Be in good standing with the general JOBLink Voucher Program expectations, and
6. If the participant has entered a qualifying job-readiness or training program following a job separation, the participant must provide enrollment and participation verification from the program and must maintain a minimum attendance level of 75% (or higher if program requirements are higher). It should be noted that participants who enter such programs must still be re-employed within six or eight months (depending on circumstances of job loss) from their last date of employment.

29.9.2 Relationship Between Job-readiness/Job training Activities and the JOBLink Employment Obligation

Initial eligibility for the JOBLink Housing Voucher Program is based on critical housing voucher need, current or former receipt of TANF (TAFDC and EA), and participation in either employment or a qualifying job-readiness program (DTA-approved program for the participant, expected to lead to employment within four months). Families admitted to the JOBLink program in this category are expected to successfully complete the approved program and obtain employment within four months of program completion and/or lease-up, whichever is later; enrollment in a second job-readiness/training program cannot be substituted for this work requirement (see below for policy regarding participants who are employed and then seek training program enrollment). For programs that do not have a fixed completion date, but rather, provide service and support until the participant obtains employment, the four months will begin at the conclusion of whatever “classroom component” is included. In situations where there is no such component, the participant is expected to obtain employment within four months from lease-up or to adhere to the JOBLink Good

Faith Effort (citation) standard of activity for job search in order to qualify for an extension of the job search period in order to remain in good program standing.

If a JOBLink participant leaves or loses employment, he is expected to re-gain employment, or to promptly enroll in a qualified re-employment program. If the participant enrolls in such a program, it should be a “short-term” program, as he is still required to become re-employed within six months (for voluntary or fault separations) or eight months (for no fault separations) from the date on which his/her employment was terminated. In exceptional circumstances where the JOBLink participant has not been able to enroll in an appropriate re-employment program immediately, and therefore may have very little time left of his or her re-employment period following training program completion, the JOBLink Project Coordinator may offer a limited extension, provided that the participant is making and can demonstrate a good faith effort. If the participant does not complete the re-employment program, the educational “deferment” period (up to four months) is withdrawn, and the standard JOBLink re-employment time limit will apply.

In order to support ongoing career development, all JOBLink participants are encouraged to pursue educational opportunities. The JOBLink program staff will gladly assist all participants to identify, enroll in, and complete appropriate programs. If the participant is meeting his or her JOBLink employment obligation through full-time, part-time, or work-study employment, there are no restrictions on these additional activities. If a highly motivated employed JOBLink participant in good standing desires to enroll in a full-time or intensive educational program, but cannot do so and still meet the 75-hour minimum employment obligation, the JOBLink Project Coordinator may reduce the number of required employment hours to accommodate the educational plan. These determinations will be made on a case-by-case basis, depending upon the training/college program, the employer’s cooperation, and other factors that the JOBLink Project Coordinator may deem important to ensuring that the arrangement is feasible and meets the multiple expectations of the JOBLink and educational programs.

29.9.3 Maintaining Communication with and Furnishing Information to RAA Related to Employment

In accordance with the Section 8 HCVP Statement of Family Obligations, all JOBLink participant families “must supply any information that the RAA or HUD determines to be necessary...” this includes the submission of regular or periodic reports (usually on an RAA-provided questionnaire/form) to the JOBLink Project Coordinator or other RAA staff in a timely fashion, reporting all changes in income to appropriate RAA staff, and providing information as may be required to document employment status or good faith effort in job search.

29.9.4 Agreement to Participate in Evaluation Activities

Participants will also be required to participate in periodic surveys and/or interviews that will be conducted as part of an on-going evaluation of the efficacy of the JOBLink program.

29.9.5 Annual Reexamination Requirements

Each year at the annual reexamination of tenant income the participant will be required to sign the JOBLink Addendum to the Statement of Family Obligations acknowledging the JOBLink Program Employment Obligation.

29.10 Termination of JOBLink Voucher Assistance

When a JOBLink primary participant is not making a good faith effort to secure and maintain permanent employment, the family's assistance under the JOBLink Housing Voucher Program may be terminated as follows:

29.10.1 Working Participants/No Fault Job Loss

If a participant loses a job through no fault of the participant, the voucher may be terminated after four months from the date of job loss, unless the participant has either secured another job or enrolled in a qualified re-employment program. In any event, a participant who enters a re-employment program must become re-employed within eight months from the date on which his or her employment was terminated. An extension may be granted if the participant is making a good faith effort to secure re-employment.

29.10.2 Working Participants/Fault or Voluntary Quit

If the participant should voluntarily quit his or her job, or lose the job for fault, the subsidy will terminate after two months from the date employment terminated unless the participant has secured another job or enrolled in a qualified re-employment program. In any event, a participant who enters a re-employment program must become re-employed within six months from the date on which his or her employment terminated. An extension to secure re-employment may be granted under limited circumstances.

29.10.3 Job-Ready Participants/No Fault

If a participant issued a JOBLink voucher under this category fails to find a job within four months after completing his/her pre-employment activity(s), the participant may be terminated from the JOBLink program, unless the participant is making a good faith effort to actively seek employment. For job-readiness/re-employment programs which involve an initial, usually intensive, classroom component followed by regular contact during the participant's job-search process (and thus have a flexible end-date), the four-month period begins with the completion of the classroom component, providing that the job-search activities during the following period meet the good faith effort criteria.

29.10.4 Job-Ready Participants/Fault

If the participant intentionally fails to attempt to secure a job and take advantage of the assistance being offered by the various pre-employment programs, a two-month warning will be issued and the participant will be terminated from the program after two months from the date of completion or termination from the pre-employment

activity. A possible extension of an additional two months may be granted if the participant is willing to make and demonstrate a good faith effort to gain employment (see earlier discussion of good faith effort). For job-readiness/re-employment programs which involve an initial, usually intensive, classroom component followed by regular contact during the participant's job-search process (and thus have a flexible end-date), the two-month period begins as of the last date of classroom attendance, or failure to maintain the level of contact and/or job-search activity expected by the job-readiness program. Assistance will not be terminated if the participant secures a job prior to the termination deadline.

29.11 Temporary Reduction or Suspension of JOBLink Employment Obligation for Good Cause

The JOBLink Housing Voucher Program recognizes that there are circumstances and obstacles that may prevent a JOBLink family (who is otherwise in good standing in the program) from meeting the JOBLink employment obligation for a brief or extended period of time. (Note: The JOBLink employment definition includes periods of paid or unpaid leave granted by an employer who expects the employee's return. This section is primarily intended to address situations of unemployed participants or those who lose/leave employment due to these types of obstacles/crises.) In these situations, the JOBLink participant should request a meeting with the JOBLink Project Coordinator to explore the most appropriate course of action. The first option to be considered will be to explore flexibility regarding the amount or type of employment in order to meet the dual goals of maintaining employment and responding to the current situation. Other more serious or long-term situations may be best addressed by a temporary suspension of the employment obligation. Many of these situations are addressed below, but this is not to be considered a comprehensive listing. Such suspensions are not considered "automatic": in these and other situations which may not be specifically addressed here, the JOBLink Project Coordinator will work with the family on a case-by-case basis to establish an appropriate plan of action, including timeline, to work toward meeting the JOBLink employment obligation. Further, the "burden of proof" rests with the participant to provide and fully disclose all relevant information to the satisfaction of the RAA. If a temporary suspension of the work obligation is approved, the family is still expected to adhere to all regular JOBLink program expectations, including maintaining contact, notifying the program of any situation or income changes, and/or providing periodic reports. At the conclusion of the suspension of the JOBLink employment obligation, the participant must return to employment within the applicable time limit for that participant.

In the following situations, a JOBLink family in good standing may be granted a temporary suspension of the JOBLink employment obligation:

Affected Family Member	Obstacle	Documentation	Employment Obligation Suspension	Comments
Primary participant/Head-of household	Temporary Disability (General)	Signed letter from physician identifying disability, effect on employability, and expected duration, OR Social Security Administration and/or DTA documents providing same information	Expected duration of disability if equal to or less than 12 months; extensions allowed in 6 month increments with new documentation if disability expected to last more than 12 months	
Primary participant/Head-of household	Temporary Disability (Pregnancy-related*)	Signed letter from physician, including expected duration of restriction from work activities	Length of expected duration, but ending with the birth of the child. Should a miscarriage occur, a reasonable period of recovery time will be approved	Upon birth of child, participant is eligible for 12 week "new child" suspension
Primary participant/Head-of household	Permanent Disability	Signed letter from physician and/or SSA or DTA documentation identifying disability, time of onset, and resulting permanent inability to maintain employment.	Participant will be issued a conventional HVCP voucher, with no further employment obligation	Only applies when employed participant is unable to continue employment due to permanent disability.
Other household member	Temporary Disability	Physician's letter stating that <u>primary participant</u> is unable to engage in any work activity in order to care for disabled person, and expected duration of disability, OR SSA and/or DTA documentation providing same information	Expected duration of disability if 0 – 6 months; extensions allowed in 3 month increments with new documentation	
Other household member	Permanent Disability	Physician's letter stating that primary participant is unable to engage in any work activity in order to care for disabled person, and expected duration of disability, OR SSA and/or DTA documentation providing same information	Primary participant will be allowed an initial 6 month period to care for the family member, followed by an additional 3 month period during which s/he will implement plan for return to employment.	

* See additional policy information regarding pregnancy/new children below.

Additional good cause situations that may qualify for a temporary reduction or suspension of the JOBLink employment obligation are as follows:

New Child: A JOBLink participant, female or male, who gives birth to or adopts a child will be granted a twelve (12) consecutive week period during which his/her employment obligation is suspended, beginning with the date of birth or adoption. For employed JOBLink participants, this is intended to be concurrent with employer-approved parental leave. If the participant was not employed before the birth/adoption, or does not return to the employer following this period, all other time requirements regarding re-employment following job loss or training program completion/termination remain in effect before and after this “new child suspension” period. There may be situations in which a JOBLink participant is nearing the term of her pregnancy and nearing her re-employment deadline. In these cases the JOBLink Project Coordinator will meet with the participant to address this situation and come to a mutual, written agreement about what employment-related activities can be completed by the participant before birth, making child care arrangements during the 12 week maternity period, and the post-birth re-employment deadline.

Pregnancy: In a case in which a pregnant female participant develops a pregnancy-related disability or is required by her physician to severely restrict work and daily activities, the JOBLink policy regarding temporary disability will apply for that period of documented disability.

29.12 Grant Compliance

As the official applicant and recipient of HUD funding for JOBLink, DHCD maintains ultimate accountability to HUD for the successful administration of JOBLink including grant implementation and enforcement, as well as the final resolution of procedural and policy-related matters not specifically defined in statute or regulation. DHCD reserves the right to periodically conduct reviews and audits of participant client files as related to eligibility and housing contracts.

Each participating JOBLink agency agrees to respond to requests for data and/or information in a timely manner.

29.13 Reduction or Termination of Subsidies

DHCD reserves the right to reduce or terminate the number of Section 8 JOBLink vouchers made available through the JOBLink program under the following circumstances: 1) the program outcomes are not satisfactory; there is not a sufficient demonstrated need for the subsidies; 2) the program is not being administered efficiently nor effectively; or 3) other problematic program issues arise.

29.14 Attachments

Addendum to the Statement of Family Obligations/Voucher

Addendum to the Voucher
for the
Section 8 Tenant-Based Assistance Rental Voucher Program/
Housing Choice Voucher Program for
Participants in the JOBLink (Welfare to Work) Housing Voucher Program

This addendum is to be attached to the Voucher for all families eligible for, and issued, a JOBLink (Welfare to Work) Housing Program Voucher, as administered by the Massachusetts Department of Housing and Community Development, through its Contractors.

Section 4 of the Voucher is hereby amended to include the following **additional Family Obligation**, as authorized by the federal Department of Housing and Urban Development for the implementation of DHCD's JOBLink Housing Voucher program:

In order to continue in the JOBLink Housing Voucher Program, the family must make a good faith effort to secure and maintain permanent employment (of at least 75 hours per month).

A participant issued a voucher under the JOBLink Program may be terminated under the following circumstances:

Working Participants/No Fault Job Loss: If a participant loses a job through no fault of the participant, the voucher may be terminated after four months from the date of job loss, unless the participant has either secured another job or enrolled in a qualified re-employment program. In any event, a participant who enters a re-employment program must become re-employed within eight months from the date on which his or her employment was terminated. An extension may be granted if the participant is making a good faith effort to secure re-employment.

Participants who lose employment because of a temporary disability will continue to receive JOBLink assistance. Participants who lose employment due to a permanent disability will be switched to a conventional DHCD Section 8 Housing Choice Voucher.

Working Participants/Fault or Voluntary Quit: If the participant should voluntarily quit his or her job, or lose the job for fault, the subsidy will terminate after two months from the date employment terminated unless the participant has secured another job or enrolled in a qualified re-employment program. In any event, a participant who enters a re-employment program must become re-employed within six months from the date on which his or her employment terminated. An extension to secure re-employment may be granted under limited circumstances.

Job-Ready Participants/No Fault: If a participant issued a JOBLink voucher under this category fails to find a job within four months after completing his/her pre-employment activity(s), the participant may be terminated from the program, unless the participant is making a good faith effort to actively seek employment.

Job-Ready Participants/Fault: If the participant intentionally fails to attempt to secure a job and take advantage of the assistance being offered by the various pre-employment programs, a two-month warning will be issued and the participant will be terminated from the program after two months from the date of completion or termination from the pre-employment activity. A possible extension of an additional two months may be granted. Assistance will not be terminated if the participant secures a job prior to the warning or termination deadline.

In order that {AGENCY NAME} and the JOBLink Project Coordinator can assist the family in securing new employment or training, the participating family will be expected to promptly notify the RAA of a loss of employment and provide related information as requested. The family is further reminded of its existing obligation to notify the RAA in writing of any increase or decrease in income within 30 days of the change. (DHCD Administrative Plan, section 8.2.1.2)

By my signature, I certify that I have read and understand this addendum.

Signature: _____ Date: _____

Printed Name: _____

30 Department of Mental Health Voucher Program

All references herein are to the regulations currently in effect for the Section 8 Housing Choice Voucher program, as they may be amended. Except as expressly provided herein, all of the provisions of the Department of Housing and Community Development's (DHCD) Administrative Plan for the Section 8 Housing Choice Voucher program apply to the Department of Mental Health Voucher Program.

30.1 Program Overview

The Department of Mental Health Voucher Program (hereafter referred to as "DMHVP") provides Section 8 housing assistance to clients of the Department of Mental Health (DMH). DMHVP is a collaborative effort of DHCD and DMH to provide increased community-based housing options to individuals with disabilities. This program utilizes 125 Section 8 vouchers, both tenant-and project-based, and is administered throughout the Commonwealth by DHCD's Section 8 regional administering agencies (RAAs). DMHVP is an integral part of the Commonwealth's housing continuum that provides permanent housing for persons with disabilities.

30.2 Eligibility Criteria

30.2.1 Department of Mental Health

All applicants must be clients of the Department of Mental Health. DMH is responsible for maintaining this eligibility documentation.

30.2.2 Income Guidelines

All DMHVP applicants must meet the HUD's income guidelines for the Section 8 Housing Choice Voucher program.

30.2.3 Preference

DMHVP applicants do not need to meet a DHCD preference.

30.3 Outreach, Waiting List Management, Referrals & Selection

30.3.1 Outreach

DMH is responsible for identifying eligible applicants.

30.3.2 Wait List Management

The DMH Area Housing Coordinators will maintain the waiting list for DMHVP for their respective areas and the corresponding RAA geographic region.

30.3.3 Referrals

When a DMHVP voucher is available to issue, the RAA will contact the appropriate DMH Area Housing Coordinator for a referral. The RAA will place the referral on the DMHVP waiting list/admissions tracking system by the date and time the referral is

received. Incomplete referrals will be returned to the DMH Area Housing Coordinator.

30.3.4 Selection

There may be instances where because of delays in the application process, a RAA may issue to a subsequent applicant the (first) available subsidy. In such cases, a RAA will document clearly in the applicant file why such a decision was made. The applicant who is skipped will be issued the next available DMHVP subsidy provided they meet all eligibility criteria and submit the required documentation.

30.4 Verification of Eligibility

In accordance with 24 CFR 982.201(e), information verifying applicant eligibility must be obtained by the RAA no more than 60 days before the applicant is issued a subsidy.

When verification of eligibility is complete, a subsidy shall be issued and all normal Section 8 procedures will take place, beginning with a briefing session.

30.5 Housing Search & Supportive Services

30.5.1 Housing Search

Each RAA must provide applicants with housing search assistance that includes, at a minimum: a list of available units in the area and a list of landlords who are familiar with the Section 8 program that may have units available. Where available, applicants will have access to RAA's Resource Rooms which contains listings of available units, a computer to access listings on the Internet, local newspapers, and telephone participants can use during housing search. In addition, the RAA will refer applicants to its regional Housing Consumer Education Center (HCEC) to assist in housing search.

DMH will provide DMHVP applicants with housing search assistance either directly through DMH staff or indirectly through a contracted service provider.

30.5.2 Supportive Services

DMH will provide DMHVP program participants with on-going residential support or individual support services appropriate to their needs. Additionally, DMH will provide DMHVP program participants with access to 24-hour emergency services.

30.6 Appeals

RAAs are responsible for defending its decisions pertaining to the person's eligibility for DMHVP Section 8 rental assistance. Section 8 appeal procedures as set forth in Section 9 will be utilized.

DMH is responsible for making its consumers aware of its grievance procedures. These grievance procedures should detail a mechanism for defending service eligibility determinations including informal or formal hearing procedures.

30.7 Portability

30.7.1 Initial Year In-State Restriction

DMHVP applicants will be restricted to leasing within the Commonwealth of Massachusetts for their initial year in the program (see 24 CFR 982.353). After the initial year, DMHVP participants are free to lease outside of the Commonwealth. When such an out-of-state lease occurs, the participant will no longer be considered part of the DMHVP program and the subsidy will be available to re-issue provided that the receiving agency absorbs the voucher.

30.7.2 Transfers

If a DMHVP applicant or participant moves out of the initial RAA's region, the applicant or participant must be absorbed by the receiving RAA with a DMHVP voucher if one is available. If a DMHVP voucher is not available, the receiving RAA will temporarily add one DMHVP voucher to its allocation. The initial RAA will simultaneously lose one DMHVP voucher from its allocation. In order for DMH to coordinate services, the initial and receiving RAAs must immediately report all transfers to DMH, as well as to DHCD on the quarterly report.

When a DMHVP voucher becomes available at the receiving RAA, the receiving RAA must inform the initial RAA and DMH. Both the initial and receiving RAAs will return to their original allocations.

30.8 Monitoring

30.8.1 Terminations and Turnover

DMH and the RAAs are both responsible for concurrently tracking subsidy use and coordinating information so both agencies maintain accurate data. If a subsidy turns over, DMH is responsible for ensuring that the subsidy is re-issued through the RAA to the next person on the DMHVP waiting list. The RAA is responsible for notifying DMH of a participant's termination date and DMH is responsible for providing a timely referral to the RAA for the available DMHVP voucher.

DMH and the RAA are both responsible for tracking the number and reasons for terminations of DMHVP II Section 8 vouchers.

Terminations will be processed in accordance with HUD and DHCD requirements for the Section 8 voucher program as described in 24 CFR Section 982 Subpart (L) and the DHCD Section 8 Administrative Plan, respectively. Once a voucher is leased, refusal of DMH services is not grounds for termination of a DMHVP Section 8 subsidy.

30.8.2 Changes in Household Composition

After a subsidy is issued, DMH will inform the RAA of any known changes in the household's situation or composition.

30.9 Grant Compliance

- As the official applicant and recipient of HUD funding for DMHVP, DHCD is accountable to HUD for the successful administration of DMHVP including: grant implementation and enforcement, and the final resolution of procedural and policy-related matters not specifically defined in statute or regulation.
- DHCD will periodically conduct reviews and audits of participant files as related to eligibility and housing contracts.
- RAAs will participate in all required evaluations, and will be prepared to maintain additional data on these clients, as required by HUD and/or DHCD.
- DHCD is responsible for coordinating all contracts and contacts with HUD regarding the DMHVP Program.

30.10 Reduction or Termination of Subsidies

DHCD reserves the right to reduce or terminate the number of Section 8 DMHVP vouchers made available through the DMHVP program, under the following circumstances: 1) program outcomes are not satisfactory; 2) there is not a sufficient demonstrated need for the subsidies; 3) the program is not being administered efficiently nor effectively; or 4) other problematic program issues arise.

30.11 Attachments

Referral Form

Referral Form for DHCD’s Section 8
Department of Mental Health Voucher Program (DMHVP)

Complete all information. Incomplete or duplicate referrals will not be accepted.

IMPORTANT!

1/3 of all applications are dropped from the waiting list due to unreported address changes. Do not let this happen to you. Report any change of address in writing to one of the regional agencies on the reverse of this form.

General Information:

Form with fields: Social Security Number, Date of Birth, First Name, Middle Name, Last Name, Address, City, State, Zip code, Phone (include area code)

DMH Eligibility:

Is the head of household a client of the Department of Mental Health as per Section 30.2.1 of the DMHVP administrative plan? [] Yes [] No

Household and Demographic Information:

Total number of household members (include self) [] Gross annual household income \$

Racial & ethnic data is collected for statistical purposes only. Your answers or failure to answer will not affect your application.

Is the head of household (please check one)

White [] Black/African American [] American Indian/Alaskan Native []
Asian [] Native Hawaiian/Other Pacific Islander []

Is the head of household (please check one)

Hispanic [] Non-Hispanic []

Control Number (for agency use only)

Referring Party:

Form with fields: Name, Agency, Address, City, State, Zip, Phone (include area code), E-Mail address, Signature, Date of Signature

Return this completed referral form to DHCD’s regional administering agency that serves the community where the DMHVP applicant lives. E-Mail or FAXED applications will not be accepted. DHCD and its regional administering agencies are not responsible for applications lost through the mail. The only way to acceptably prove that you mailed an application is to keep a copy of the entry and get a Certificate of Mailing (60 cents + postage) from the United States Postal Service.



For agency use only:
Date/Time:

